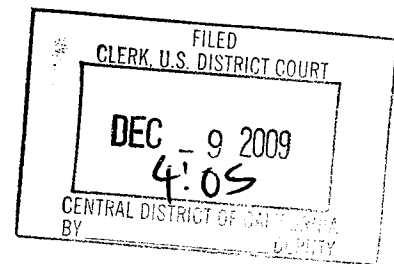


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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Case No. **CV09-9059** **GAF PLA_x**

adidas AMERICA, INC., and adidas
AG,

Plaintiffs,

v.

VILLAGRAN SPORTS, A1 SOCCER
PLANET, and ROLANDO
VILLAGRAN, individually and d/b/a
VILLAGRAN SPORTS and A1
SOCCER PLANET,

Defendants.

COMPLAINT FOR:
1. FEDERAL TRADEMARK
INFRINGEMENT (15 U.S.C. § 1114);
2. FEDERAL UNFAIR
COMPETITION
3. FEDERAL TRADEMARK
DILUTION (15 U.S.C. § 1125(c));
4. STATE TRADEMARK DILUTION
AND INJURY TO BUSINESS
REPUTATION;
5. UNFAIR AND DECEPTIVE
TRADE
PRACTICES; and
6. COMMON LAW TRADEMARK
INFRINGEMENT AND UNFAIR
COMPETITION.

DEMAND FOR JURY TRIAL

1 Plaintiffs adidas America, Inc. and AG (collectively, “adidas” or “Plaintiffs”)
2 state the following for their Complaint against Defendants Villagran Sports, A1 Soccer
3 Planet, and Rolando Villagran, individually and d/b/a Villagran Sports and A1 Soccer
4 Planet (collectively, “Defendants”).

5 INTRODUCTION

6 1. This is an action at law and in equity for trademark infringement and
7 dilution, injury to business reputation, unfair competition, and deceptive trade practices,
8 arising under the Trademark Act of 1946, 15 U.S.C. §§ 1051 *et seq.* (2004) (“Lanham
9 Act”); the antidilution laws of California, Cal. Bus. & Prof. Code § 14330 (West 2008);
10 the fair business practices and unfair and deceptive trade practices laws of California,
11 Cal. Bus. & Prof. Code § 17200 (West 2008); and the common law.

12 2. Defendants are offering for sale and selling apparel that bear confusingly
13 similar imitations of adidas’s federally registered Three-Stripe trademark (the “Three-
14 Stripe Mark”). Defendants’ apparel is not manufactured by adidas, nor are Defendants
15 connected or affiliated with, or authorized by, adidas in any way. Defendants’
16 merchandise is likely to cause confusion and to deceive consumers and the public
17 regarding its source, and Defendants’ merchandise dilutes and tarnishes the distinctive
18 quality of adidas’s Three-Stripe Mark.

19 JURISDICTION AND VENUE

20 3. This Court has subject matter jurisdiction under section 39 of the Lanham
21 Act, 15 U.S.C. § 1121, and under 28 U.S.C. §§ 1331 and 1338. This Court has
22 jurisdiction over adidas’s related state and common-law claims pursuant to 28 U.S.C.
23 §§ 1338 and 1367.

24 4. This Court has personal jurisdiction over Defendants because Defendants
25 have distributed, offered for sale, or sold infringing merchandise within this State, have
26 engaged in acts or omissions within this State causing injury, have manufactured or
27 distributed products used or consumed within this State in the ordinary course of trade,
28 or have otherwise made contacts with this State sufficient to permit the exercise of

1 personal jurisdiction. This District is a proper venue pursuant to 28 U.S.C. § 1391(b)(2)
2 because a substantial part of the acts or omissions giving rise to adidas's claims
3 occurred in this District.

4 **THE PARTIES**

5 5. adidas AG is a joint stock company organized and existing under the laws
6 of the Federal Republic of Germany, having its office and principal place of business at
7 Postfach 1120, D-91072 Herzogenaurach, Federal Republic of Germany.

8 6. adidas America, Inc., is a corporation organized and existing under the
9 laws of the State of Delaware, having its principal place of business at 5055 N. Greeley
10 Avenue, Portland, Oregon 97217. adidas America, Inc., is wholly owned by adidas AG
11 and its affiliates and, within this country, adidas America is a licensed distributor of
12 ADIDAS brand merchandise, including goods bearing the distinctive Three-Stripe
13 Mark. adidas AG and adidas America, Inc., and any predecessors or related entities, are
14 collectively referred to as "adidas."

15 7. On information and belief, Defendant Villagran Sports is an unregistered
16 organization doing business in California at 330 Wall Street Suite 7, Los Angeles,
17 California 90013.

18 8. On information and belief, Defendant A1 Soccer Planet is an unregistered
19 organization doing business in California at 330 Wall Street Suite 7, Los Angeles,
20 California 90013.

21 9. On information and belief, Defendant Rolando Villagran is a resident of
22 California doing business as and under the fictitious names Villagran Sports and A1
23 Soccer Planet. On information and belief, Defendant Rolando Villagran operates his
24 business at 330 Wall Street Suite 7, Los Angeles, California 90013.

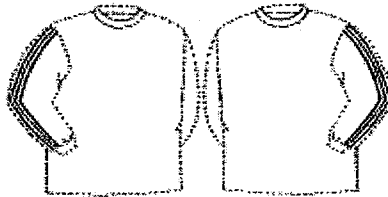
25 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

26 10. adidas is currently, and for years has been, one of the world's leading
27 manufacturers of athletic footwear, sportswear, and sporting equipment. Over fifty
28 years ago, adidas first placed three parallel bands on its athletic shoes, and the Three-

1 Stripe Mark came to signify the quality and reputation of adidas footwear to the
2 sporting world early in the company's history.

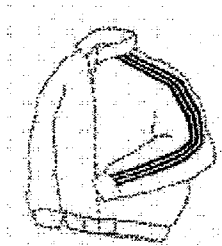
3 11. At least as early as 1967, adidas began using the Three-Stripe Mark on
4 apparel sold in the United States and worldwide. Pages from adidas catalogs featuring
5 apparel bearing the Three-Stripe Mark are attached as **Exhibit 1**.

6 12. adidas AG is the owner of a federal trademark registration, Reg. No.
7 2,058,619, issued by the United States Patent and Trademark Office on May 6, 1997,
8 for the Three-Stripe Mark, as depicted below, for "sports and leisure wear, namely
9 shirts."



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14 Affidavits have been filed pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C.
15 §§ 1058 and 1065, and this registration is incontestable. A copy of the Certificate of
16 Registration for this mark is attached as **Exhibit 2**.

17 13. adidas AG is the owner of a federal trademark registration, Reg. No.
18 3,029,127, issued by the United States Patent and Trademark Office on December 13,
19 2005, for the Three-Stripe Mark, as depicted below, for "clothing, namely, T-shirts,
20 sweatshirts, jackets and coats." A copy of the Certificate of Registration for this mark
21 is attached as **Exhibit 3**.

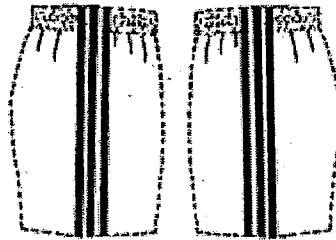


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26 14. adidas AG is the owner of a federal trademark registration, Reg. No.
27 3,087,329, issued by the United States Patent and Trademark Office on May 2, 2006,
28 for the Three-Stripe Mark, as depicted below, for "clothing, namely, shirts, T-shirts,

1 sweatshirts, vests, jackets and coats.” A copy of the Certificate of Registration for this
2 mark is attached as **Exhibit 4**.

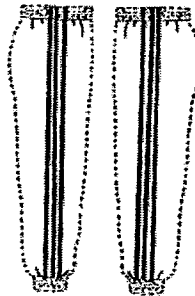


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7 15. adidas AG is the owner of a federal trademark registration, Reg. No.
8 2,278,591, issued by the United States Patent and Trademark Office on September 21,
9 1999, for the Three-Stripe Mark, as depicted below, for “sports and leisure wear,
10 namely shorts.”



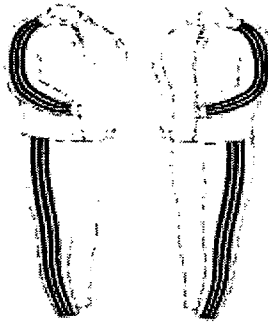
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15 Affidavits have been filed pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C.
16 §§ 1058 and 1065, and this registration is incontestable. A copy of the Certificate of
17 Registration for this mark is attached as **Exhibit 5**.

18 16. adidas AG is the owner of a federal trademark registration, Reg. No.
19 2,284,308, issued by the United States Patent and Trademark Office on October 12,
20 1999, for the Three-Stripe Mark, as depicted below, for “sports and leisure wear,
21 namely pants.”



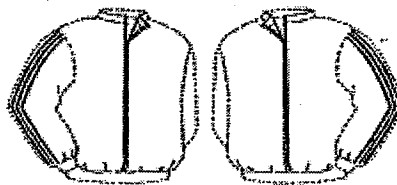
1 Affidavits have been filed pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C.
 2 §§ 1058 and 1065, and this registration is incontestable. A copy of the Certificate of
 3 Registration for this mark is attached as **Exhibit 6**.

4 17. adidas AG is the owner of a federal trademark registration, Reg. No. 870,
 5 136, issued by the United States Patent and Trademark Office on May 27, 1969, for the
 6 Three-Stripe Mark, as depicted below, for “athletic training suits.”



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 12 Affidavits have been filed pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C.
 13 §§ 1058 and 1065, and this registration is incontestable. A copy of the Certificate of
 14 Registration for this mark is attached as **Exhibit 7**.

15 18. adidas AG is the owner of a federal trademark registration, Reg. No.
 16 2,016,963, issued by the United States Patent and Trademark Office on November 19,
 17 1996, for the Three-Stripe Mark, as depicted below, for “sports and leisure wear,
 18 namely jackets.”



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 23 Affidavits have been filed pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C.
 24 §§ 1058 and 1065, and this registration is incontestable. A copy of the Certificate of
 25 Registration for this mark is attached as **Exhibit 8**.

26 19. adidas also owns numerous additional trademark registrations for the
 27 Three-Stripe Mark covering footwear (Reg. Nos. 961,353, 1,815,956, 1,833,868,
 28

2,278,589, 3,209,135, 3,029,129, 2,909,861, and 2,999,646) and other various items of apparel (Reg. Nos. 3,063,745, 3,063,742, 3,183,656, and 3,236,505). A copy of the Certificate of Registration for each of these marks is attached as **Exhibit 9**.

20. adidas also owns federal registrations for verbal trademarks using the term “three stripes” including THE BRAND WITH THE THREE STRIPES, Reg. No. 1,674,229, for sport and leisure wear. A copy of the Certificate of Registration for this mark is attached as **Exhibit 10**.

21. The Three-Stripe Mark is well-known and famous and has been for many years. adidas has used the Three-Stripe Mark in connection with their frequent sponsorship of sports tournaments and organizations, as well as professional athletes and collegiate sports teams. For many years, adidas has been a sponsor of the World Cup soccer tournament and has sponsored many soccer players, including David Beckham and Zinedine Zidane. adidas also has been the exclusive apparel provider for many famous soccer teams around the World, including the Hamburg Football Club, Newcastle United Football Club, A.C. Milan, Olympique de Marseille, and Chelsea Football Club. Examples of such apparel are depicted below and on the following page:

adidas Hamburg Jersey



adidas Newcastle Jersey



adidas A.C. Milan Jersey**adidas Marseille Jersey****adidas Chelsea Jersey**

22. In addition, adidas has sponsored the world-famous Boston Marathon for more than two decades, and has sponsored many other events, teams, and individuals, including the New York Yankees, Notre Dame, the University of California at Los Angeles, the University of Nebraska, the University of Tennessee, NBA stars Tim Duncan, Kevin Garnett, and Tracy McGrady, professional golfer Sergio Garcia, and baseball player Nomar Garciaparra. Prominent use of the Three-Stripe Mark in connection with these sponsorship activities has further enhanced the mark's recognition and fame.

23. The Three-Stripe Mark is non-functional, and the public recognizes and understands that the Three-Stripe Mark distinguishes and identifies adidas's

merchandise. Indeed, unsolicited media coverage has referred to the “iconic three stripes” (*Footwear News*, June 16, 2008), the “signature three stripes” (*L.A. Times*, August 13, 2004), the “famous brand with the three stripes” (*San Francisco Chronicle*, July 7, 2002), and the “legendary Adidas three stripes” (*Brand Strategy*, September 27, 1999). This is particularly true within the soccer arena. Indeed, “[a]s the leading seller of soccer shoes, Adidas AG has long been an official sponsor of the World Cup. And every four years, when the tournament rolls around, its shoe sales rise. But typically, counterfeiters -- primarily in China -- also spring into production.” (*Corporate Counsel*, May 25, 2007).

24. For decades, adidas extensively and continuously has used and promoted the Three-Stripe Mark in connection with apparel and footwear. In recent years, annual sales of products bearing the Three-Stripe Mark have totaled in the billions of dollars globally and in the hundreds of millions of dollars within the United States. The Three-Stripe Mark has achieved international fame and tremendous public recognition.

25. Since introducing its Three-Stripe Mark, adidas has spent millions of dollars promoting the mark and products bearing the mark. As a result of adidas’s continuous and exclusive use of the Three-Stripe Mark in connection with its products, the mark enjoys wide public acceptance and association with adidas, and has come to be recognized widely and favorably by the public as an indicator of the origin of adidas’s goods.

26. As a result of adidas’s extensive use and promotion of its Three-Stripe Mark, adidas has built up and now owns valuable goodwill that is symbolized by the mark. The purchasing public has come to associate the Three-Stripe Mark with adidas.

DEFENDANTS’ UNLAWFUL ACTIVITIES

27. On information and belief, Defendants design, source, market, sell and offer for sale apparel in interstate commerce that bear counterfeit and confusingly similar imitations of adidas’s Three-Stripe Mark and that are essentially knock-offs of official adidas soccer jerseys. For example, on information and belief, Defendants

market and offer for sale the soccer jerseys depicted below and on the following pages, which are virtually identical replicas of the uniforms of the Hamburg Football Club, Newcastle United Football Club, A.C. Milan, Olympique de Marseille, and Chelsea Football Club:

<u>adidas Apparel</u>	<u>Defendants' Infringing Apparel</u>
	
	

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adidas Apparel

Defendants' Infringing Apparel



1 28. On information and belief, Defendants were familiar with the adidas
2 Three-Stripe Mark and various adidas soccer apparel when they created the apparel
3 identified in this Complaint. On further information and belief, Defendants
4 intentionally designed their apparel to mislead and deceive consumers into believing
5 that their apparel was sold, authorized, or licensed by adidas.

6 29. On information and belief, in addition to the apparel depicted in Paragraph
7 27, Defendants have sold or offered for sale jerseys that are confusingly similar to the
8 jerseys of other official adidas-sponsored soccer teams, and which bear confusingly
9 similar marks to adidas's Three-Stripe Mark.

10 30. The goods distributed, offered for sale, and sold by Defendants are not
11 manufactured by adidas, nor are Defendants associated or connected with adidas, or
12 licensed, authorized, sponsored, endorsed, or approved by adidas in any way.

13 31. adidas used the Three-Stripe Mark extensively and continuously before
14 Defendants began using and selling confusingly similar imitations of adidas's apparel.

15 32. The goods sold by Defendants are similar to, and compete with, goods sold
16 by adidas, and are sold through overlapping channels of trade.

17 33. Defendants' use of confusingly similar imitations of adidas's Three-Stripe
18 Mark is likely to deceive, confuse, and mislead purchasers and prospective purchasers
19 into believing that apparel sold by Defendants is manufactured by, authorized by, or in
20 some manner associated with adidas, which it is not. The likelihood of confusion,
21 mistake and deception engendered by Defendants' misappropriation of adidas's mark is
22 causing irreparable harm to the goodwill symbolized by the Three-Stripe Mark and the
23 reputation for quality that it embodies.

24 34. Defendants' activities are likely to cause confusion before, during, and
25 after the time of purchase because purchasers, prospective purchasers, and others
26 viewing Defendants' apparel at the point of sale or on a wearer are likely -- due to
27 Defendants' use of confusingly similar imitations of the Three-Stripe Mark -- to
28 mistakenly attribute the product to adidas. This is particularly damaging with respect to

1 those persons who perceive a defect or lack of quality in Defendants' products. By
2 causing such a likelihood of confusion, mistake, and deception, Defendants are
3 inflicting irreparable harm to the goodwill symbolized by the Three-Stripe Mark and the
4 reputation for quality that it embodies.

5 35. On information and belief, Defendants continue to use confusingly similar
6 imitations of adidas's Three-Stripe Mark in connection with the sale of products that are
7 directly competitive to those offered by adidas. Defendants began selling these
8 imitations well after adidas had established protectable rights in its Three-Stripe Mark,
9 and well after the Three-Stripe Mark became famous.

10 36. On information and belief, Defendants knowingly, willfully, intentionally,
11 and maliciously adopted and used confusingly similar imitations of adidas's Three-
12 Stripe Mark.

13 37. On September 3, 2009, counsel for adidas sent a cease and desist letter to
14 Defendants regarding the infringing apparel. A true and correct copy of this September
15 3, 2009 letter is attached as **Exhibit 11**. Defendants did not respond to adidas's
16 September 3, 2009 letter and continued to sell the infringing apparel.

17 38. On October 9, 2009, counsel for adidas sent another cease and desist letter
18 to Defendants regarding the infringing apparel. A true and correct copy of this October
19 9, 2009 letter is attached as **Exhibit 12**. Defendants did not respond to adidas's
20 October 9, 2009 letter and continued to sell the infringing apparel.

21 39. On November 23, 2009, a licensed private investigator hand-delivered a
22 third letter to Defendants from adidas's counsel dated November 3, 2009 (that enclosed
23 the September 3 and October 9 letters). A true and correct copy of this November 3,
24 2009 letter is attached as **Exhibit 13**. On information and belief, Defendants continue
25 to sell the infringing apparel.

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FIRST CLAIM FOR RELIEF
(Federal Trademark Infringement)

40. adidas repeats and incorporates by reference the allegations in paragraphs 1 through 39.

41. Defendants' use of confusingly similar imitations of adidas's Three-Stripe Mark is likely to cause confusion, deception, and mistake by creating the false and misleading impression that Defendants' goods are manufactured or distributed by adidas, or associated or connected with adidas, or have the sponsorship, endorsement, or approval of adidas.

42. Defendants have used marks confusingly similar to adidas's federally registered marks in violation of 15 U.S.C. § 1114, and Defendants' activities have caused and, unless enjoined by this Court, will continue to cause a likelihood of confusion and deception of members of the trade and public and, additionally, injury to adidas's goodwill and reputation as symbolized by the federally registered Three-Stripe Mark, for which adidas has no adequate remedy at law.

43. Defendants' actions demonstrate an intentional, willful, and malicious intent to trade on the goodwill associated with adidas's federally registered Three-Stripe Mark to adidas's great and irreparable injury.

44. Defendants have caused and are likely to continue causing substantial injury to the public and to adidas, and adidas is entitled to injunctive relief and to recover Defendants' profits, actual damages, enhanced profits and damages, costs, and reasonable attorneys' fees under 15 U.S.C. §§ 1114, 1116 and 1117.

SECOND CLAIM FOR RELIEF
(Federal Unfair Competition)

45. adidas repeats and incorporates by reference the allegations in paragraphs 1 through 44.

46. Defendants' use of confusingly similar imitations of adidas's Three-Stripe Mark has caused and is likely to cause confusion, deception, and mistake by creating the false and misleading impression that Defendants' goods are manufactured or

1 distributed by adidas, or are affiliated, connected, or associated with adidas or have the
2 sponsorship, endorsement, or approval of adidas.

3 47. Defendants have made false representations, false descriptions, and false
4 designations of origin of its goods in violation of 15 U.S.C. § 1125(a), and Defendants'
5 activities have caused and, unless enjoined by this Court, will continue to cause a
6 likelihood of confusion and deception of members of the trade and public and,
7 additionally, injury to adidas's goodwill and reputation as symbolized by the Three-
8 Stripe Mark, for which adidas has no adequate remedy at law.

9 48. Defendants' actions demonstrate an intentional, willful, and malicious
10 intent to trade on the goodwill associated with adidas's Three-Stripe Mark to the great
11 and irreparable injury of adidas.

12 49. Defendants' conduct has caused, and is likely to continue causing,
13 substantial injury to the public and to adidas. adidas is entitled to injunctive relief and
14 to recover Defendants' profits, actual damages, enhanced profits and damages, costs,
15 and reasonable attorneys' fees pursuant to 15 U.S.C. §§ 1125(a), 1116 and 1117.

16 **THIRD CLAIM FOR RELIEF**
17 **(Federal Trademark Dilution)**

18 50. adidas repeats and incorporates by reference the allegations in paragraphs 1
19 through 49.

20 51. adidas has extensively and continuously promoted and used the registered
21 Three-Stripe Mark both in the United States and throughout the world. The mark
22 thereby had become a famous and well-known symbol of adidas's goods and services
23 well before Defendants offered for sale the apparel complained of in this Complaint.

24 52. Defendants are making commercial use in commerce of a mark that dilutes
25 and is likely to dilute the distinctiveness of adidas's Three-Stripe Mark by eroding the
26 public's exclusive identification of this famous mark with adidas, tarnishing and
27 degrading the positive associations and prestigious connotations of the mark, and
28

1 otherwise lessening the capacity of the mark to identify and distinguish goods and
2 services.

3 53. Defendants' actions demonstrate an intentional, willful, and malicious
4 intent to trade on the goodwill associated with adidas's Three-Stripe Mark or to cause
5 dilution of the Three-Stripe Mark, to the great and irreparable injury of adidas.

6 54. Defendants have caused and will continue to cause irreparable injury to
7 adidas's goodwill and business reputation, and dilution of the distinctiveness and value
8 of adidas's famous and distinctive Three-Stripe Mark in violation of 15 U.S.C.
9 § 1125(c). adidas therefore is entitled to injunctive relief and to Defendants' profits,
10 actual damages, enhanced profits and damages, costs, and reasonable attorneys' fees
11 pursuant to 15 U.S.C. §§ 1125(c), 1116 and 1117.

12 **FOURTH CLAIM FOR RELIEF**
13 **(State Trademark Dilution and Injury to Business Reputation)**

14 55. adidas repeats and incorporates by reference the allegations in paragraphs 1
15 through 54.

16 56. adidas has extensively and continuously promoted and used the registered
17 Three-Stripe Mark both in the United States and throughout the world, and the mark has
18 become a distinctive, famous and well-known symbol of adidas's goods and services.

19 57. Defendants' unauthorized use of adidas's registered Three-Stripe Mark
20 dilutes and is likely to continue to dilute the distinctiveness of adidas's mark by eroding
21 the public's exclusive identification of this famous and well-known mark with adidas,
22 tarnishing and degrading the positive associations and prestigious connotations of the
23 mark, and otherwise lessening the capacity of the mark to identify and distinguish
24 adidas's goods and services.

25 58. Defendants' actions demonstrate an intentional, willful, and malicious
26 intent to trade on the goodwill associated with adidas's Three-Stripe Mark or to cause
27 dilution of the Three-Stripe Mark, to the great and irreparable injury of adidas.
28

1 59. Defendants are causing and will continue to cause irreparable injury to
2 adidas's goodwill and business reputation, and dilution of the distinctiveness and value
3 of adidas's famous and distinctive Three-Stripe Mark in violation of California law,
4 Cal. Prof. & Bus. Code § 14330 (West 2008). adidas therefore is entitled to injunctive
5 relief, damages and costs, as well as, if appropriate, enhanced damages and reasonable
6 attorneys' fees.

7 **FIFTH CLAIM FOR RELIEF**
8 **(Common Law Trademark Infringement and Unfair Competition)**

9 60. adidas repeats and incorporates by reference the allegations in paragraphs 1
10 through 59.

11 61. Defendants' acts constitute common law trademark infringement and unfair
12 competition, and have created and will continue to create a likelihood of confusion to
13 the irreparable injury of adidas unless restrained by this Court. adidas has no adequate
14 remedy at law for this injury.

15 62. On information and belief, Defendants acted with full knowledge of
16 adidas's use of, and statutory and common law rights to, the Three-Stripe Mark and
17 without regard to the likelihood of confusion of the public created by Defendants'
18 activities.

19 63. Defendants' actions demonstrate an intentional, willful, and malicious
20 intent to trade on the goodwill associated with adidas's Three-Stripe Mark to the great
21 and irreparable injury of adidas.

22 64. As a result of Defendants' acts, adidas has been damaged in an amount not
23 as yet determined or ascertainable. At a minimum, however, adidas is entitled to
24 injunctive relief, to an accounting of Defendants' profits, to damages, and to costs. In
25 light of the deliberately fraudulent and malicious use of confusingly similar imitations
26 of adidas's Three-Stripe Mark, and the need to deter Defendants from similar conduct,
27 adidas additionally is entitled to punitive damages.
28

SIXTH CLAIM FOR RELIEF
(Unfair and Deceptive Trade Practices)

65. adidas repeats and incorporates by reference the allegations in paragraphs 1 through 64.

66. Defendants have been and are passing off their goods as those of adidas, causing a likelihood of confusion or of misunderstanding as to the source, sponsorship, or approval of Defendants' goods, causing a likelihood of confusion as to Defendants' affiliation, connection, or association with adidas, and otherwise damaging the public. Defendants' conduct constitutes unfair and deceptive acts or practices in the course of a business, trade, or commerce in violation of California law, Cal. Prof. & Bus. Code § 17200 (West 2008).

67. Defendants' unauthorized use of confusingly similar imitations of adidas's Three-Stripe Mark has caused and is likely to cause substantial injury to the public and to adidas, and adidas is entitled to injunctive relief and to recover damages, punitive damages, costs and reasonable attorneys' fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that:

1. Defendants and all their agents, officers, employees, representatives, successors, assigns, attorneys, and all other persons acting for, with, by, through, or under authority from Defendants, or in concert or participation with Defendants, and each of them, be enjoined permanently, from:
 - a. using the Three-Stripe Mark or any other copy, reproduction, or confusingly similar imitation or simulation of adidas's Three-Stripe Mark on or in connection with Defendants' goods or services;
 - b. using any trademark, service mark, name, logo, design, or source designation of any kind on or in connection with Defendants' goods or services that is a copy, reproduction, colorable imitation, or simulation of, or confusingly similar to, the trademarks, service marks, names, or logos of adidas;

- 1 c. using any trademark, service mark, name, logo, design, or source
2 designation of any kind on or in connection with Defendants' goods or
3 services that is likely to cause confusion, mistake, deception, or public
4 misunderstanding that such goods or services are produced or provided by
5 adidas, or are sponsored or authorized by or in any way connected or
6 related to adidas;
- 7 d. using any trademark, service mark, name, logo, design, or source
8 designation of any kind on or in connection with Defendants' goods or
9 services that dilutes or is likely to dilute the distinctiveness of the
10 trademarks, service marks, names, or logos of adidas; and
- 11 e. passing off, palming off, or assisting in passing off or palming off,
12 Defendants' goods or services as those of adidas, or otherwise continuing
13 any and all acts of unfair competition as alleged in this Complaint;

14 2. Defendants be ordered to recall all products bearing the Three-Stripe Mark
15 or any other confusingly similar mark, which have been shipped by Defendants or
16 under Defendants' authority, to any customer including, but not limited to, any
17 wholesaler, distributor, retailer, consignor, or marketer, and also to deliver to each
18 customer a copy of this Court's order as it relates to said injunctive relief against
19 Defendants;

20 3. Defendants be ordered to deliver up for impoundment and for destruction
21 all apparel, bags, boxes, labels, tags, signs, packages, receptacles, advertising, sample
22 books, promotional material, stationery, or other materials in the possession, custody, or
23 under the control of Defendants that are found to adopt, infringe, or dilute any of
24 adidas's trademarks or that otherwise unfairly compete with adidas and its products and
25 services or that are otherwise deceptive;

26 4. Defendants be compelled to account to adidas for any and all profits
27 derived by Defendants from the sale or distribution of infringing goods as described in
28 this Complaint, including prejudgment interest thereon;

1 5. adidas be awarded all damages caused by the acts forming the basis of this
2 Complaint, including prejudgment interest thereon;

3 6. Based on Defendants' knowing and intentional use of confusingly similar
4 imitations of adidas's Three-Stripe Mark, the damages award be trebled and the award
5 of Defendants' profits be enhanced as provided for by 15 U.S.C. § 1117(a);

6 7. Defendants be required to pay to adidas the costs of this action and their
7 reasonable attorneys' fees pursuant to 15 U.S.C. § 1117(a), and the state statutes cited
8 in this Complaint;

9 8. Based on Defendants' willful and deliberate infringement and dilution of
10 adidas's marks, and to deter such conduct in the future, adidas be awarded punitive
11 damages; and

12 9. adidas have such other and further relief as the Court may deem just.

13
14 DATED: December 9, 2009

15 Respectfully submitted,

16 

17 Dennis L. Wilson
18 Keats McFarland & Wilson LLP
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20 Beverly Hills, California 90212
21 Telephone: (310) 248-3830
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23 Attorneys for Plaintiffs


24 R. Charles Henn Jr.
25 Sara M. Vanderhoff
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28 Atlanta, Georgia 30309-4530
 Telephone: (404) 815-6500
 Facsimile: (404) 541-3240

 Of Counsel for Plaintiffs

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial in accordance with Fed. R. Civ. P. 38 and
Local Rule 38.

Dated: December 9, 2009

By: 
Dennis L. Wilson
Keats McFarland & Wilson LLP

Of Counsel:

R. Charles Henn Jr.
Sara M. Vanderhoff
KILPATRICK STOCKTON LLP
Suite 2800
1100 Peachtree Street
Atlanta, GA 30309-4530
Telephone: (404) 815-6500

Attorneys for Plaintiffs
adidas AMERICA, INC., and
adidas AG

Exhibit 1



Q2 2003



VOLUME WORKBOOK

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EXHIBIT 1
PAGE 21

TRAINING FOR SPORT
 performance basics

54

MEN'S

\$50.00
ACS5000

edf Body Heavyweight Mock
 Climaxer® heavyweight ribbed top. Heat-transfer Climaxer logo front right hem. Heat-transfer adidas brandmark left sleeve cuff.
 90% polyester / 10% spandex.
 Sizes: S | M | L | XL | 2XL | 3XL
 Available: 11 | 25 | 02

262981	White	✓
902978	Catapult Navy	✓
282982	Black	✓

\$70.00
ACS5000

Big Game Sideline Jacket
 Full-zip jacket. Mesh lining. Applied 3-Stripes on front and down sleeves. Microfleece at neck, sleeve cuff and inside pockets. Internal bungie cord and left breast pocket. Open bottom hem. Embroidered adidas brandmark at right chest.
 100% polyester.
 Sizes: S | M | L | XL | 2XL | 3XL
 Available: 2 | 25 | 03

162304	University Red White	✓
162307	Light Maroon White	✓
161787	Collegiate Navy White	✓
162302	Black White	✓

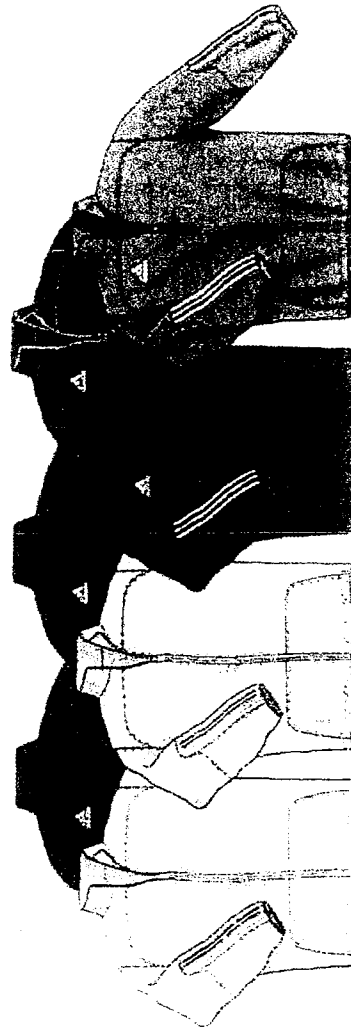
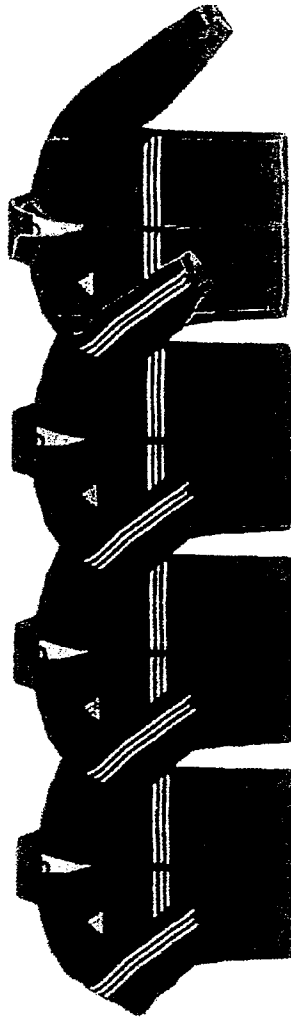
\$50.00
ACS5000

Big Game Full-Zip Microfleece Jacket
 Full-zip microfleece jacket. Applied stripes on lower sleeves. Patch pockets. Binding on cuffs and open hem. Embroidered adidas brandmark on right chest.
 100% polyester brushed microfleece - both sides.
 Sizes: S | M | L | XL | 2XL | 3XL
 Available: 2 | 25 | 03

162234	Sand Storm White	✓
162238	Akron	✓
162233	University Red White	✓
162235	Ford White	✓
162236	Light Maroon White	✓
162239	Catapult Navy White	✓
162232	Black White	✓



CLIMAXER



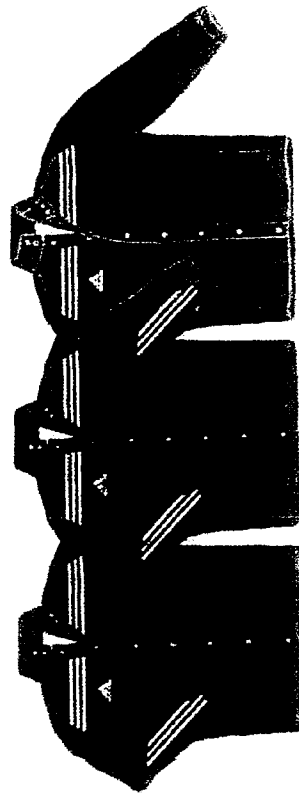
• Carryover ✓ Carry Forward to Fall '03 * Sample Not Available * Auto-replenish

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EXHIBIT

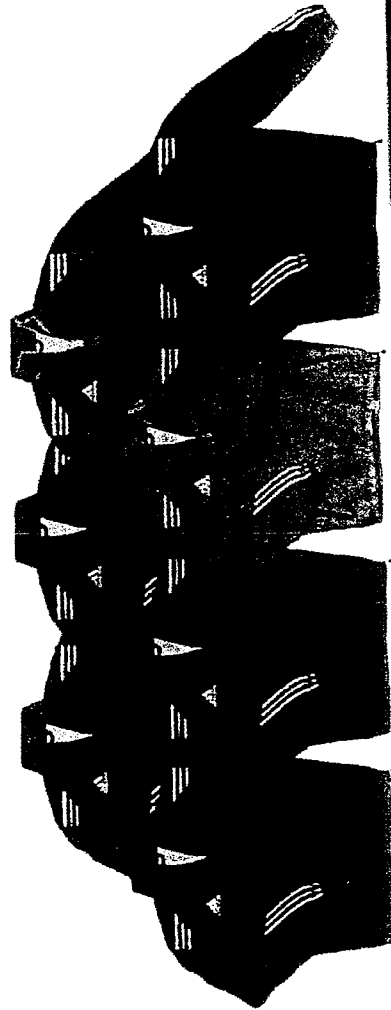
PAGE

22



TS 2003 Outwear Jacket
 Full-zip pullover. Light polyfill and jersey lining. Applied 3-Stripes on front and lower sleeves. Concealed hood. Elastic cuffs. Welt pockets. Internal waist cinch with toggle pocket. Embroidered adidas brandmark at right chest.
 100% nylon twill.
 65% polyester / 35% cotton jersey.
 Sizes: S M L XL 2XL 3XL
 Available: 2/25/03

162310 * Jersey Red
 162311 * Collegiate Navy
 162312 * Black



TS 2003 Coaches Windshirt
 Half-zip pullover. Mesh lining. Applied 3-Stripes on shoulders. Elastic cuffs. Welt pockets. Side seam zip. Bung cord at open bottom hem. Embroidered adidas brandmark at right chest.
 100% nylon woven twill.
 Sizes: S M L XL 2XL 3XL
 Available: 2/25/03

162277 University Red / White
 162272 Collegiate Purple / White
 162274 Royal / White
 162276 Collegiate Royal / White
 162271 Light Navy / White
 162275 Collegiate Navy / White
 162270 Black / White

TRAINING FOR SPORT
 performance basics

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 Complaint

EXHIBIT 1
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TRAINING FOR SPORT
 performance basics

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MEN'S
\$80.00
 AC2000U

TS2003 Warm-Up Jacket

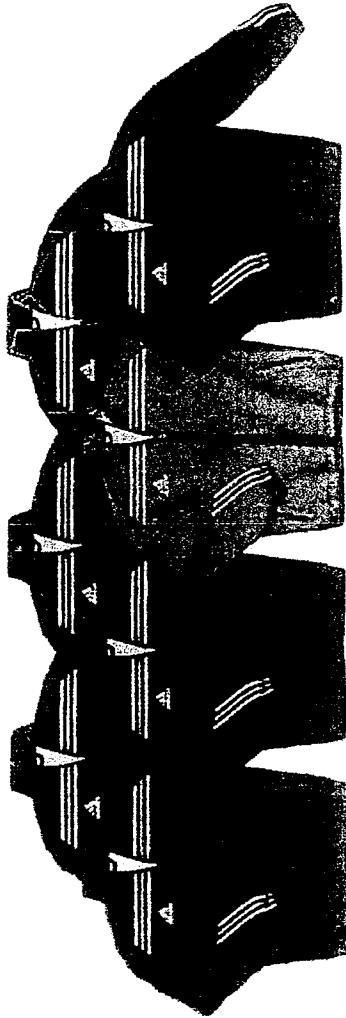
Full-zip jacket. Mesh lining. Applied 3-Stripes on front and lower sleeves. Elastic cuffs. Welt pockets. Internal bungie cord at open bottom hem. Embroidered adidas brandmark at right chest.

100% nylon woven taffeta.

Sizes: S | M | L | XL | 2XL | 3XL

Available: 2 | 25 | 03

162284	Collegiate Purple White	✓
162285	Forest White	✓
162287	Collegiate Royal White	✓
162288	Light Maroon White	✓
162289	Collegiate Navy White	✓
162292	Black White	✓


\$48.00
 AC2000U

TS2003 Warm-Up Pant

Pull-on pant. Mesh lining. Drawcord and elastic waist. Applied 3-Stripes down leg zips. Open bottom hem. Embroidered adidas brandmark at right hip.

100% nylon woven taffeta.

Sizes: S | M | L | XL | 2XL | 3XL

Available: 2 | 25 | 03

162290	University Red	✓
162285	Collegiate Purple	✓
162287	Forest	✓
162289	Collegiate Royal	✓
162283	Light Maroon	✓
162288	Collegiate Navy	✓
162281	Black	✓



• Carryover / Carry Forward to Fall '03 * Auto-regenerate

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EXHIBIT 1

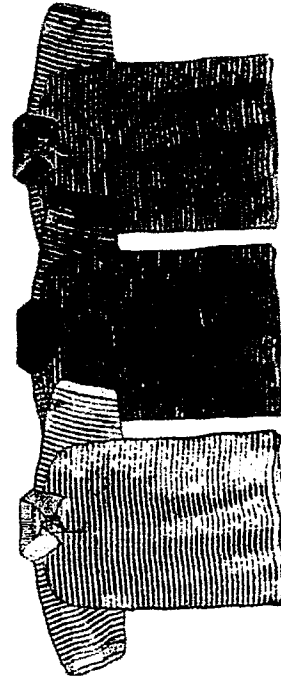
PAGE 24



T82003 Performance Polo
 Climate polo. Kilt collar. Two-button placket. Applied
 3-Stripes on sleeve front. Open-hem sleeves. Embroidered
 add-on brandmark at right chest.
 97% polyester double-knit 1 3/4 spandex.
 Sizes: S | M | L | XL | 2XL | 3XL
 Available: 2 | 25 | 03

162261	White / Collegiate Navy	✓
162262	White / Black	✓
162260	Dark Storm / Black / White	✓
162269	University Red / White	✓
162285	Collegiate Purple / White	✓
162286	Forest / White	✓
162268	Collegiate Teal / White	✓
162264	Light Neon / White	✓
162267	Collegiate Navy / White	✓
162263	Black / White	✓
162269	Pink / University Red / White	✓

QUANTITY



Team Recruiting Polo 2
 Saddle-rig striped polo. Hidden two-button placket.
 Ribbed collar and cuff. Embroidered add-on brandmark
 on left sleeve.
 65% polyester / 35% rayon.
 Sizes: S | M | L | XL | 2XL | 3XL
 Available: 2 | 25 | 03

162230	White / Dark Grey Heather	✓
162229	Dark Star / Medium Navy	✓
162231	Dark Star / Black / White	✓

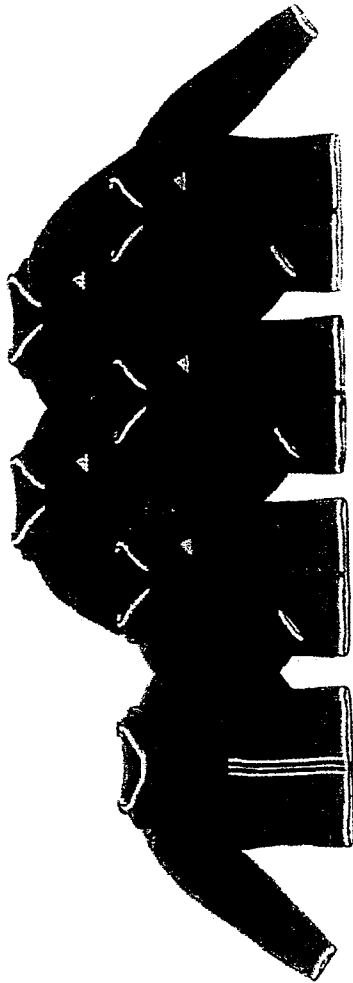
• Carryover
 ✓ Carry Forward to Fall '03
 † Sample Not Available
 * Auto-replenish

TRAINING FOR SPORT
 performance basics

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BC Brio Jacket

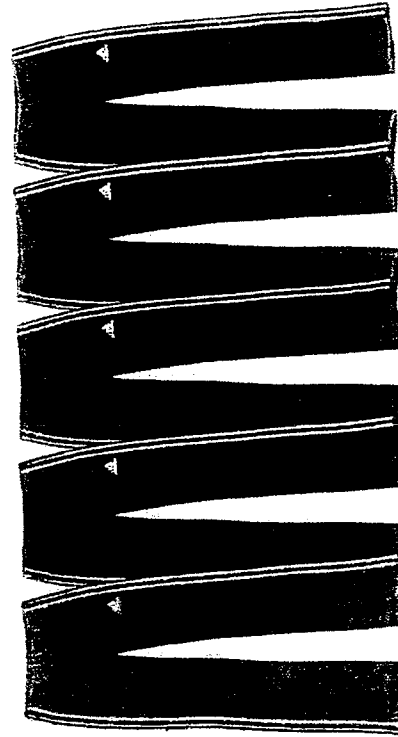
Contrast self fabric applied 3-Stripes on back, and embroidered addas brandmark on left chest. 100% polyester flatback mesh.

Sizes: XS | S | M | L | XL

Available: 2 | 25 | 03

\$58.00
AC25000

171873	Columbia Blue White	
213702	New Navy White	• †
171872	Dark Navy Gecko	
213705	Black White	• / †
161601	Black Olive	



BC Brio Pant

Contrast self fabric applied 3-Stripes on side seams, embroidered addas brandmark on left hip. 100% polyester flatback mesh.

Sizes: XS | S | M | L | XL

Available: 2 | 25 | 03

\$40.00
AC20000

171904	Columbia Blue White White	
213707	New Navy White White	• †
171903	Dark Navy Gecko Gecko	
213710	Black White White	• / †
161590	Black Olive Olive	

• Carryover

† Sample Not Available

✓ Carry Forward to Fall '03

* Auto-replenish

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CONFIDENTIAL
NOT TO BE COMPLETED

099N

MEN'S APPAREL WORKBOOK

SPRING 1999

AD W75
AD 08.1
AD 0.13

AD B75
AD 07.1
AD 0.10

R 0.40

10.50

M

B

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OUTERWEAR

MIDNIGHT SUN JACKET

Full-zip, lined jacket with zip pockets, center back vent, bungee cord cuffs from inside pockets, dropped tail, and leather brushed mesh side, brushed mesh, and leather brushed mesh inner collar. Layer* cuff binding, reflective elastic logos at left chest and upper center back, and contrast-color heat prints and 3M* three stripe design.

100% Polyester Mini-Mesh
100% Polyester Taffeta
100% Polyester Mesh
Available: •12/25/98

A4000F \$80.00

S M L XL

255791 Solid/Ad White
255792 Full/Ad White
255790 Ruby/Ad White

MIDNIGHT SUN VEST

Full-zip vest with zip pockets, bungee cord waistband, dropped tail, and lined front zipper center back body. Brushed mesh foldover inner collar and lower center back, contrast-color shoulder heat and 3M* three-stripe design, and reflective elastic logos at left chest and upper center back.

100% Polyester Taffeta
100% Polyester Mesh
Available: •12/25/98

A3250F \$85.00

S M L XL

255788 Solid/Ad White-Black
255789 Full/Ad White-Black
255787 Ruby/Ad White-Black

MIDNIGHT SUN PANT

Fully mesh-lined pant with drawcord waistband, center leg cross seams, side seam zip pockets, lower leg zip, elastic cuffs, and reflective elastic logos at left hip and right cuff.

100% Polyester Mini-Mesh
100% Polyester Taffeta
Available: •12/25/98

A2750F \$55.00

S M L XL

000001 Black

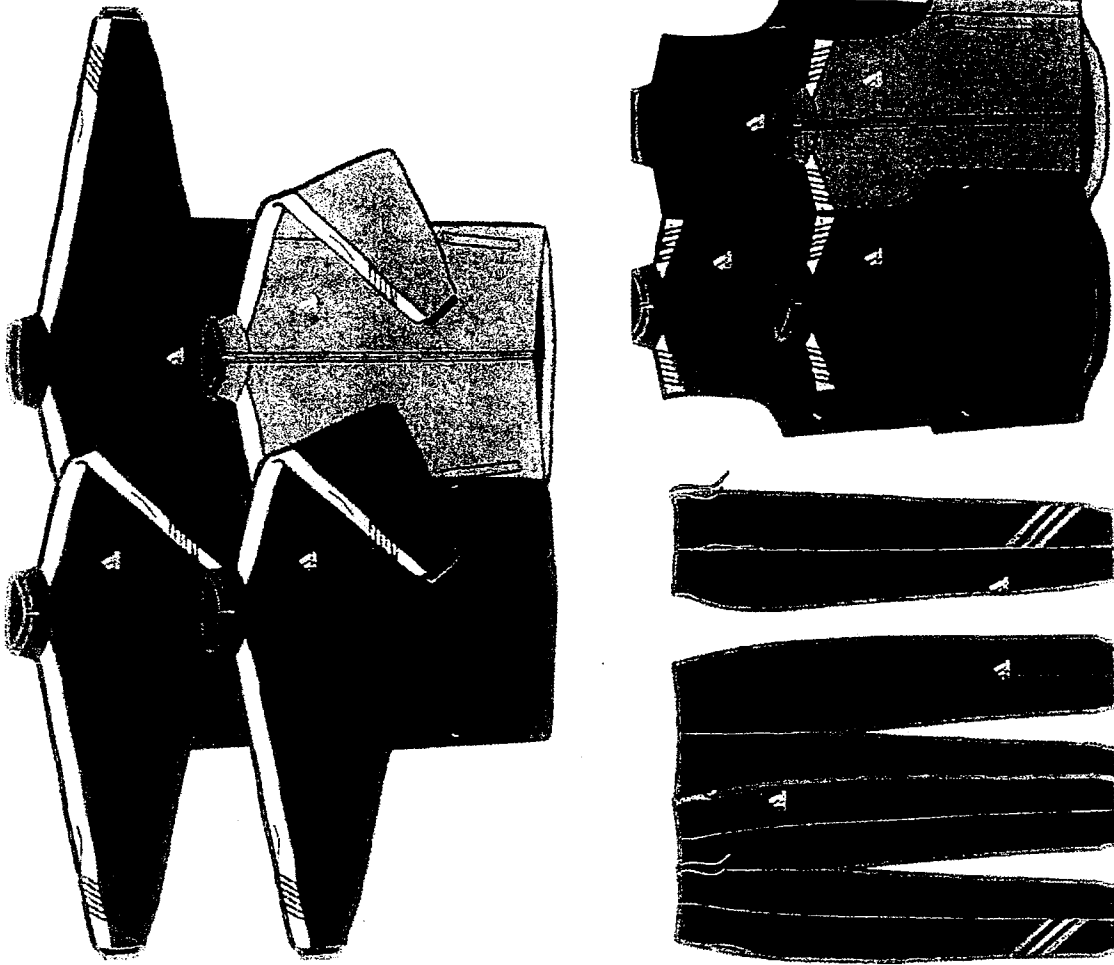
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* Promoted by athletes



RUNNING

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TENNIS

* THREE-STRIPE BASIC

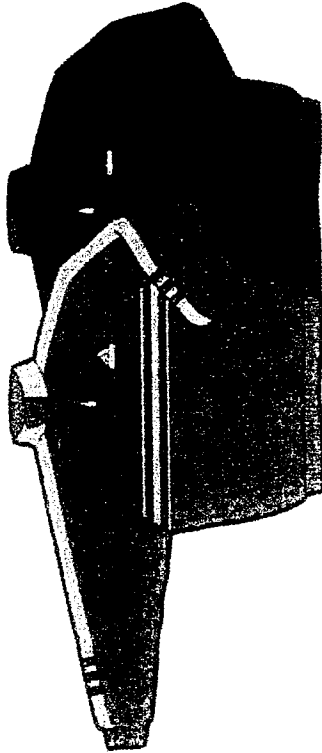
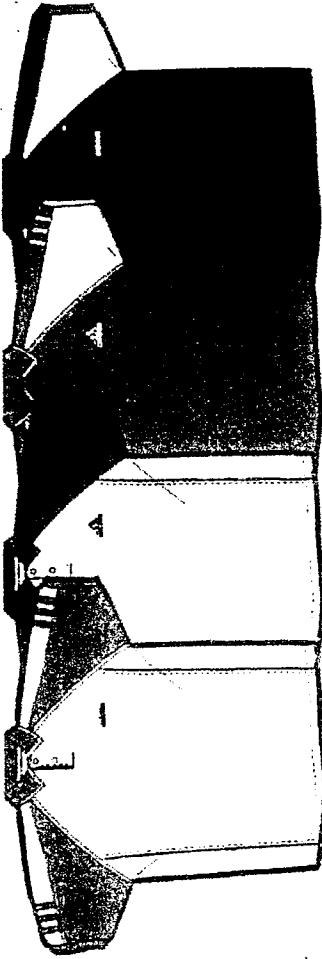
POLO
 Action pleated, colorblocked polo with
 mesh region sleeves, rib collar and cuffs,
 and adidas logo on left chest.

80% Cotton/20% Poly Interlock Jacquard
 70% Cotton/30% Poly Mesh
 Available: 12/25/98

A2000F \$40.00

S M L XL XXL

621118 Ad White/Pacific/Chlorophyll
 621116 Ad White/Blue Ribbon/Scallop
 621119 Pacific/Chlorophyll-Ad White
 621117 Blue Ribbon/Scallop-Ad White



* THREE-STRIPE TRAINING

FLEECE

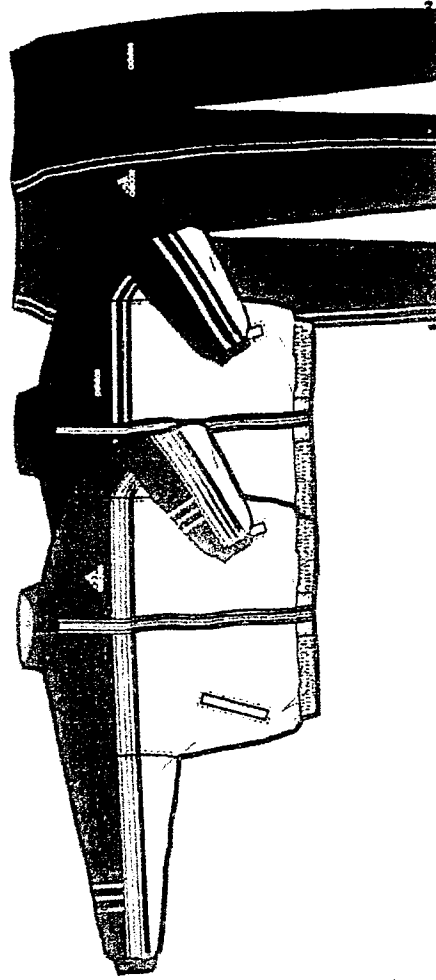
Half-zip pullover with three stripes across
 center front, small three-stripe detailing on
 sleeve, and adidas logo on left chest.

100% Cotton Fleece
 Available: 12/25/98

A3000F \$60.00

S M L XL XXL

621127 Pacific/Chlorophyll
 621126 Blue Ribbon/Scallop



* THREE-STRIPE WARM-UP

Warm-up with snap closure on collar, welt
 pockets, and contrast tape applied across
 upper front and back of jacket. Full-on pant
 with elastic waistband and drawcord.

100% Polyester Microfleece

45% PES/55% Cotton Single Jersey Lining
 Available: 12/25/98

A8800F \$110.00

S M L XL XXL

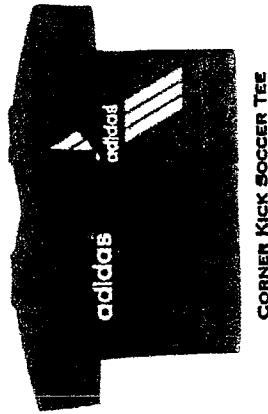
621129 White/Pacific/Chlorophyll
 621128 White/Blue Ribbon/Scallop

* Promoted by athletes

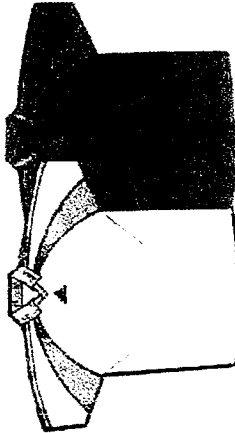
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MEN'S SOCCER



CORNER KICK SOCCER TEE



SALTA TRAINING JERSEY



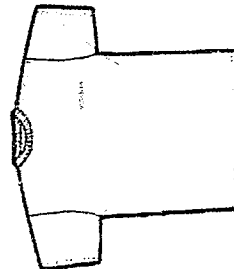
LA PLATA SHORT



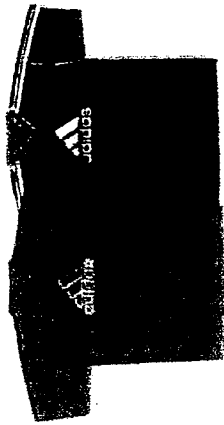
BRISBANE TRAINING JERSEY



HAMBURG SHORT



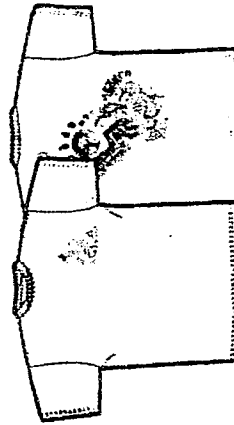
TWILL EMBROIDERED LOGO TEE



ROMA JERSEY

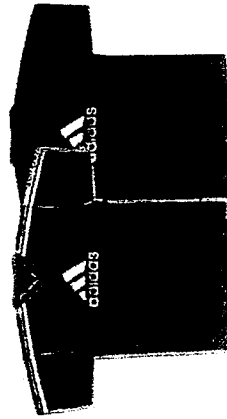


TREVISO SHORT

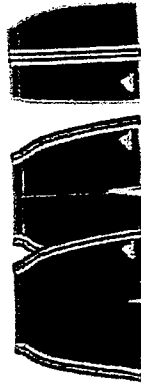


FEDERATION MEXICO DRAGON TEE

MEN'S SOCCER



ROMA JERSEY



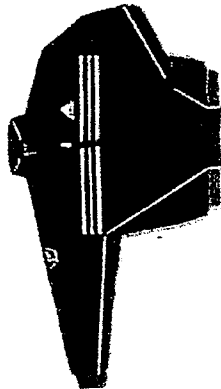
TREVISIO SHORT



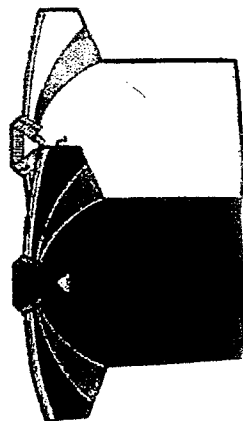
SOCCER LOGO TEE



HAMBURG SHORT



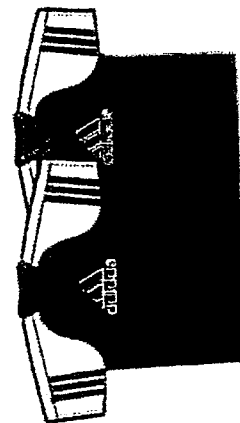
COPA TRAINING SUIT



SALTA TRAINING JERSEY



LA PLATA SHORT



BRISBANE TRAINING JERSEY

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SOCCER**BRISBANE TRAINING JERSEY**

Short-sleeve V-neck with performance fabric, front three-bar logo, and regular sleeves with stripes running under the arm.

100% Polyester Mesh-Optique
Available: 1/25/98

A2250F \$45.00

S M L XL XXL

258659 Graphite/Black-Adi White
258655 Black/Adi White
258657 Collegiate Red/Black
258658 Scarlet/Black-Adi White
258656 New Navy/Adi White

HAMBURG SHORT

Pull-on short with inside drawcord at center front, 5" inseam, side heat patch with horizontal stripes and accent piping along edges, and embroidered adidas logo. Bottom of side heat is curved outwards and side leg vent.

100% Nylon Sateen
Available: 1/25/99

A1300F \$26.00

S M L XL

256659 Ad White/Black
256654 Collegiate Red/Adi White
256657 New Bordeaux/Adi White
256655 Cobalt/Adi White
256658 Eggplant/Adi White
256653 New Navy/Adi White
256656 Forest/Adi White
256652 Black/Adi White

GENOA II SHORT

Pull-on short with elastic waistband, inside drawcord, side vents, 5" inseam, and embroidered adidas logo at lower left leg.

100% Nylon Sateen

Available: At Once

A0900F \$18.00

S M L XL XXL

240379 Ad White/Black
240377 Collegiate Red/Adi White
240814 New Bordeaux/Adi White
240376 Cobalt/Adi White
240373 Eggplant/Adi White
240374 New Navy/Adi White
240375 Forest/Adi White
240378 Black/Adi White

* Promoted by adidas

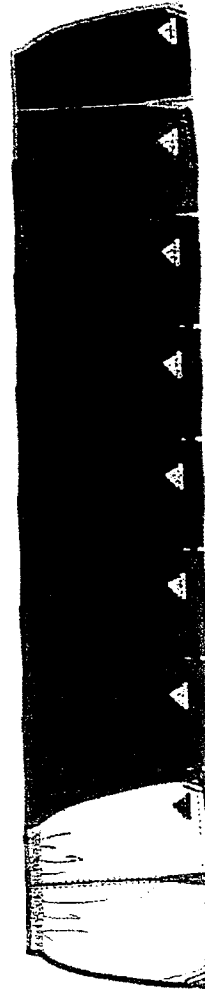
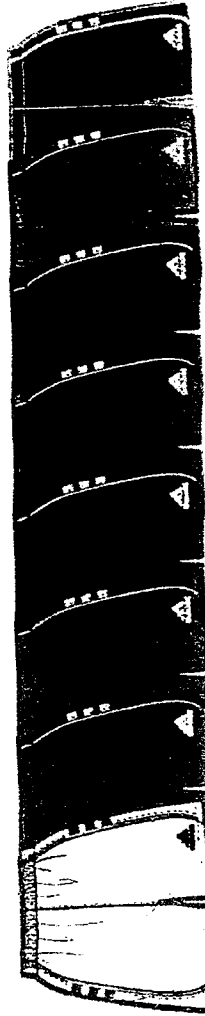
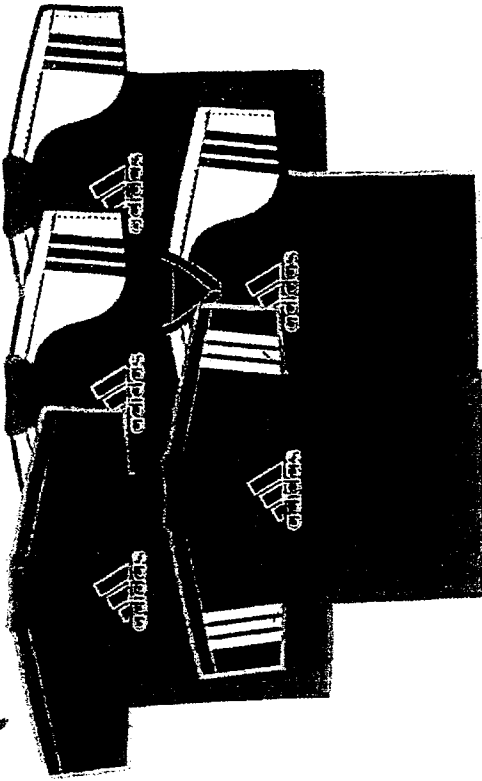


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EXHIBIT 1

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WARM-UPS**STRIPE TEAM WARM-UP**

Full-zip, lined jacket with concealed zip pockets, elastic cuffs and waist, and two-color performance logo embroidered on left chest. Full on point with elastic waistband, drawcord, 12" leg pipe, and logo embroidered on left front hip. NCAA-approved.

100% Nylon Tulsion

65%/35% Polyester/Cotton Jersey Lining

Available: All Once

AS500F \$110.00

XS S M L XL XXL XXXL XT XXT

236119 Collegiate Red/Ad White
243738 New Bordeaux/Ad White
236120 Cobalt/Ad White
243737 Eggplant/Ad White
236121 New Navy/Ad White
236122 Forest/Ad White
236123 Black/Ad White

TEAM COPA WARM-UP

Full-zip, lined jacket with lower side body and under-arm insets cut off with piping, stripes applied across front body and down center back of collar and collar loops on left chest. Lined pants with pockets, stripes applied on hip insets, and adidas logo on left chest.

100% Nylon 210T

65%/35% Polyester/Cotton Jersey Lining

Available: All Once

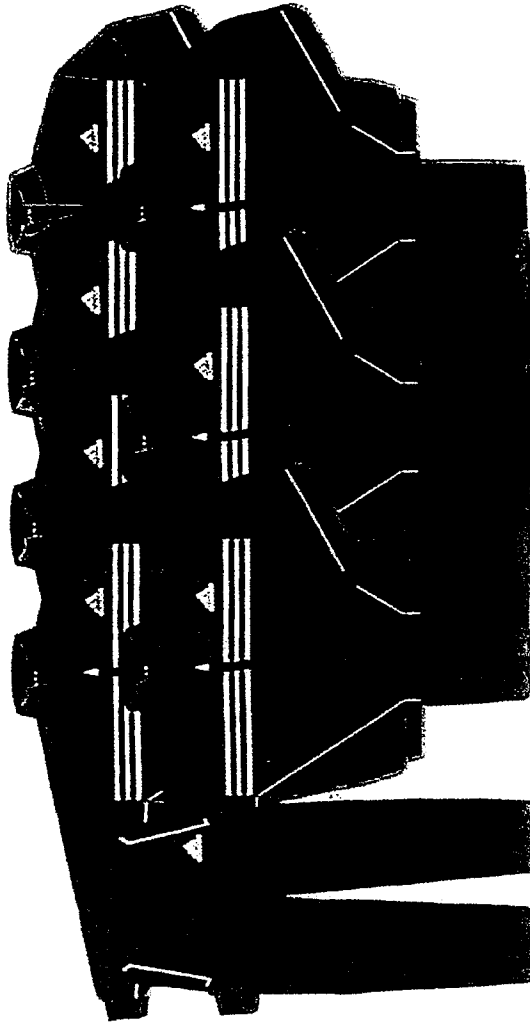
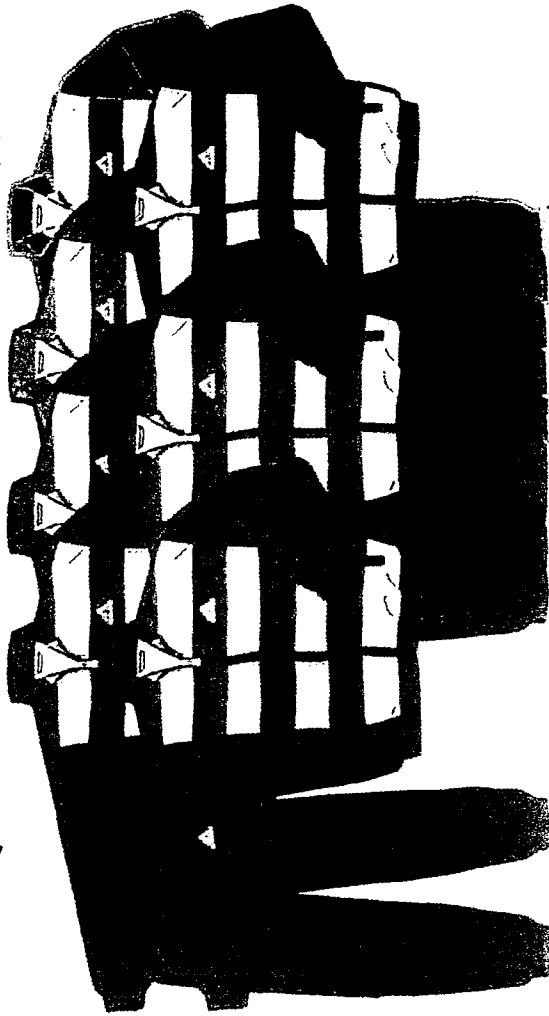
A4780F \$95.00

S M L XL XXL XXXL

246096 Collegiate Red/Black
246102 New Bordeaux/Black
246099 Cobalt/Black
246100 Eggplant/Black
246098 New Navy/Black
246101 Forest/Black
246097 Black/Black

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Continued

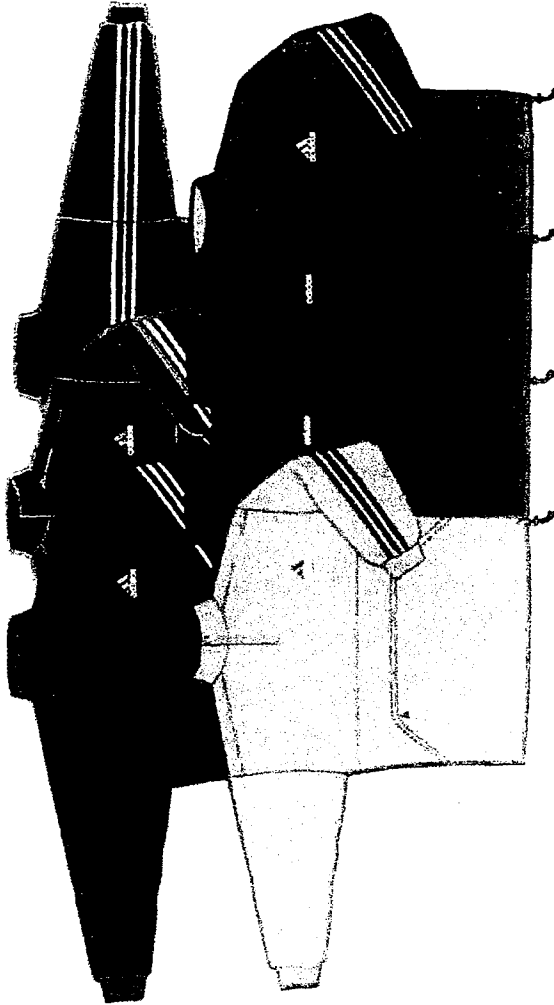
* Promoted by athletes



120



CORE WINDWEAR



TRANSITION JACKET

Pullover windbreaker with mesh upper back vent, elastic cuffs, snaps on center front placket, slipped front pockets, drawcord on hem, three stripes applied on upper back body and sleeves, and embroidered logo on left chest and lower right back corner.

100% Polyester Taffeta
100% Polyester Mesh
Available: •12/25/98

A2600F \$52.00

S M L XL XXL

- 256069 Orange Fizz/Graphite
- 256071 Poppy/Black
- 256070 Satellite/Blue Ribbon
- 256068 Pacific/Chlorophyll
- 256067 New Navy/White
- 256066 Black/White

HAILEY WINDWEAR PANT

Pull-on pant with elastic waistband, lower leg zip, side seam pocket with zip, three stripes applied at lower leg, and embroidered logo on left hip.

100% Polyester Taffeta
Available: •12/25/98

A1780F \$35.00

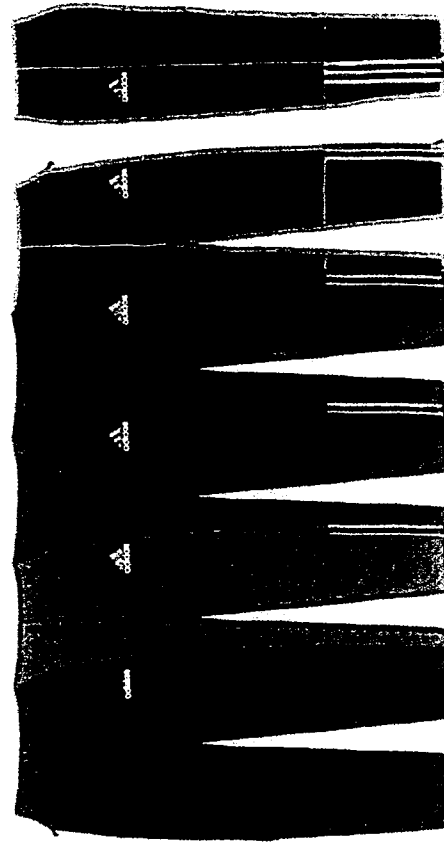
S M L XL XXL

- 256105 Satellite/Blue Ribbon
- 256103 Pacific/Chlorophyll
- 256102 New Navy/Ad White
- 256104 Graphite/Orange Fizz
- 256101 Black/Ad White

Exhibit 1
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Completed

* Prompted by athlete

EXHIBIT 1
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CORE WINDWEAR

HAILEY REVERSIBLE JACKET

Reversible, full-zip jacket. Polyester-nylon outer layer with embroidered logo on left chest and big logo at center back. Inner layer with polyester knit, three stripes applied on chest, and embroidered logo on lower left sleeve and center back collar.

100% Polyester Taffeta
100% Polyester Double-Knit-Plaid
Available: •12/25/98

A4000F \$80.00

S M L XL XXL

256098 Orange Pzr/Graphite-Adl White
256097 Pacific/Black-Adl White
256099 New Navy/New Navy-Adl White
256100 Black/Adl White-Black
256096 Black/Satellite-Black

STANLEY WINDWEAR JACKET

Snap-front jacket with mesh lining, colorblocking on shoulder and upper sleeves, cargo pocket on left sleeve, welt pockets, drawcord on hem, and embroidered logo on left chest and lower back body.

100% Nylon 210T Flat
100% Polyester Mesh
Available: •12/25/98

A2500F \$50.00

S M L XL XXL

256122 Adl White/Black
256121 Orange Fzr/Graphite
256119 Steel/Red/Black
256120 Pacific/Black
256118 New Navy/Black

Exhibit 1
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Continued

* Promoted by athletes

ALL PURPOSE





ALL PURPOSE

CORE WINDWEAR

PATTERSON JACKET

Hooded, full-zip, mesh lined jacket with three stripes applied on shoulders/center hood, zippered welt pockets, and embroidered logo on left chest and center back.

100% Nylon 210T Flat
100% Polyester Mesh
Available: *12/25/98

A2900F \$80.00

S M L XL XXL

256109 Orange Fuz/Graphite
256110 Sail/Blue Ribbon
256108 Pacific/Chlorophyll
256107 New Navy/Adi White
256106 Black/Adi White

THREE-STRIPE WINDWEAR
PANT II

Pull-on pant with elastic waistband, welt pockets, elastic cuffs, lower leg zips, and embroidered adidas logo on left hip, and three stripes applied on side seams.

100% Nylon 210T Flat
Available: *12/25/98

A1500F \$30.00

S M L XL XXL

239953 Adi White/Black
257765 Sail/Blue Ribbon
257764 Pacific/Chlorophyll
247707 New Navy/Adi White
257763 Graphite/Orange Fuz
239952 Black/Adi White

Exhibit 1
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Complaint

THREE-STRIPE TEARAWAY
PANT II

Lined tearaway pant with side snaps, elastic waistband, front welt pockets, three stripes applied on sides, and embroidered adidas logo on left front hip.

100% Nylon 210T Flat
Available: *12/25/98

A2000F \$40.00

S M L XL XXL

257149 Adi White/Black
257146 Sail/Blue Ribbon
257147 Pacific/Chlorophyll
247717 New Navy/Adi White
257148 Graphite/Orange Fuz
252000 Black/Adi White

* Promoted by athlete



Exhibit 1
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Complaint

EXHIBIT 1
PAGE 37

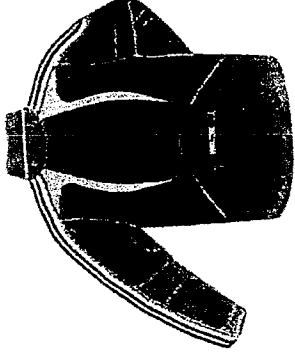
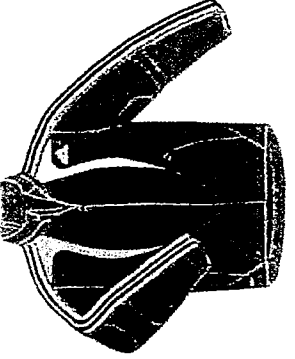
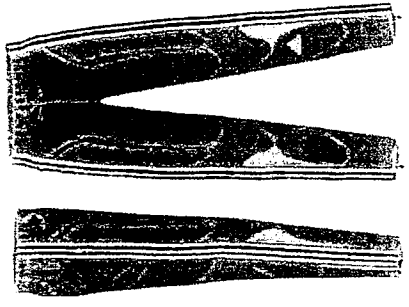
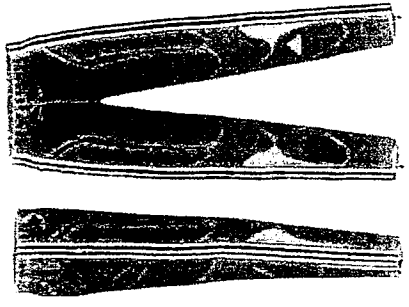
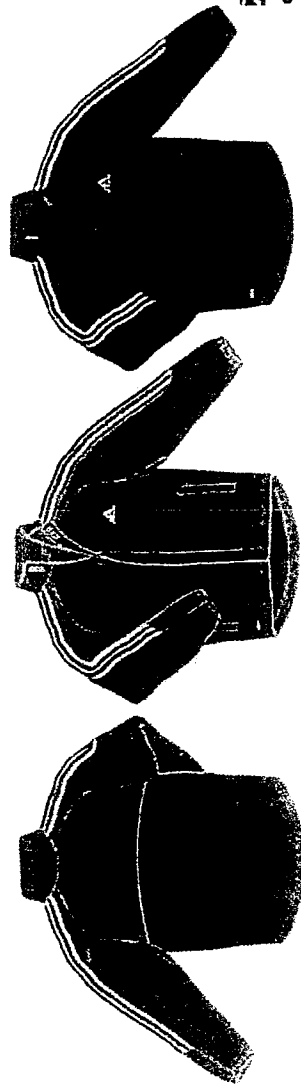
MEN'S		RUNNING adidas	
 	<p>Men's adidas Wind Jacket \$508000</p> <p>ClimaProof® wind fabric provides protection in windy and light rain conditions. Anatomically placed underarm mesh inserts, full front zip with lower storm flap, front and back zip pockets and stay-down zipper pulls. Mesh-lined, stand-up lined collar, elastic cuffs, shaped cut, drop-tail hem, and reflective piping and adidas brandmark.</p> <p>100% polyester double weave body.</p> <p>100% polyester brushed waffle lined upper back.</p> <p>95% nylon / 5% spandex mesh inserts.</p> <p>Sizes: S M L XL</p> <p>Available: 12 25 04</p> <p>507470 Black Silver Reflective White</p>	 	<p>Men's adidas Long Tight \$508000</p> <p>ClimaCool® lined long tight with anatomically placed mesh inserts. Elastic waist with drawcord, extended zip key pocket, ankle zips, stay-down zipper pulls, pre-shaped knees, flatlock seams and reflective piping and adidas brandmark.</p> <p>90% nylon / 10% spandex body.</p> <p>95% nylon / 5% spandex mesh inserts.</p> <p>Sizes: S M L XL</p> <p>507468 Black Silver Reflective White</p>

Exhibit 1
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Complaint

**Men's Erikson Wind Jacket**

S4080081

ClimatePro® Wind jacket with mesh-lined stand-up collar, full zip with easy-down zipper pull, external storm flap with hook-and-loop closure, underarm mesh inserts, mesh-lined back, back vent, elastic cuffs, front zip pockets, sculpted hemline, applied 3-Stripes and reflective adidas trademark.

100% polyester plain weave.
100% polyester mesh lining.

Sizes: S | M | L | XL | 2XL

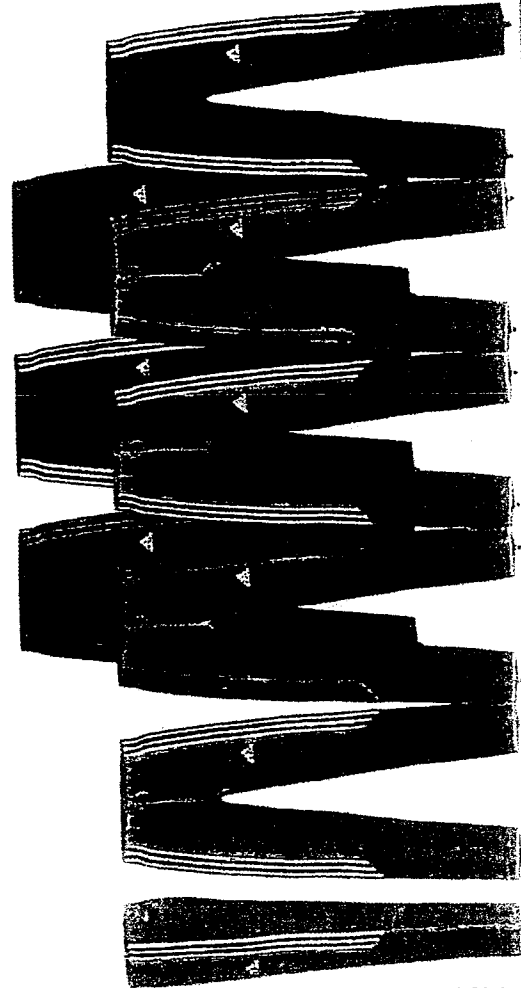
558867 Black | White | Reflective Silver

558865 Dark Indigo | White | Reflective Silver

Available: all once

\$45.00

A22268

**Men's Astro Pant II**

S4080104

ClimatePro® Pant with anatomically placed mesh inserts, elastic waist with drawcord, internal leg pocket, back leg zip with stay-down zipper pull, applied 3-Stripes and reflective adidas trademark.

90% polyester | 10% spandex.

Sizes: S | M | L | XL | 2XL

558875 Black | White | Reflective Silver

558873 Black | Black | Reflective Silver

308746 Black | Ice Grey | Reflective Silver

507158 Black | Light Carbon | Reflective Silver

507159 Ink Ship | Lame | Reflective Silver

507160 Mercury Grey | Verde Green | Reflective Silver

508174 Ink Ship | Ice Grey | Reflective Silver

507161 Dark Indigo | University Red | Reflective Silver

Available: 12 | 25 | 04

\$55.00

A22268

MEN'S



29

RUNNING
3-Stripes

Exhibit 1
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Completed

EXHIBIT 1
PAGE 39

SOCCER elite		MEN'S	
38			
<p>Pulse FormMotion® Training Half Pant T5080048</p> <p>ClimaCool® stretch half pant features FormMotion® 3-D engineered fit and specific fabric combinations to allow complete freedom of movement. Precise seam placement for comfort while in motion. Sculpted leg openings to accommodate linear and rotational running movement. Minimal low pressure waistband with soft touch waistband tape for maximum comfort. The Pulse training half pant is constructed of two different fabrics in the front and the back to support and enhance the extreme movements during football training.</p> <p>100% polyester stretch. 100% polyester dobby.</p> <p>Sizes: S M L XL 573152 Back Color: Red</p> <p>Available: 11/25/04</p>		<p>Men's Pulse Hooded Jacket T5080041</p> <p>ClimaWarm® full-zip hooded jacket. Mesh trunks on front and back, side pockets and subtle brandmark.</p> <p>100% polyester brushed.</p> <p>Sizes: S M L XL 12XL 572238 Back Color: Red White</p> <p>Available: 12/15/04</p>	

- Carryover
- ✓ Carry Forward to Summer '05
- † Sample Not Available
- ★ Auto-replenish
- 👉 M/I Enhanced

Exhibit 1
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Complaint

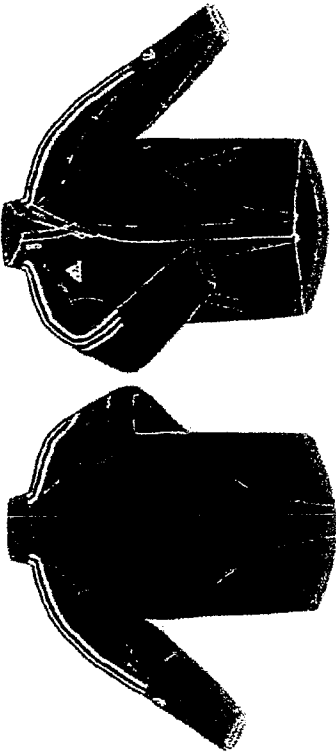
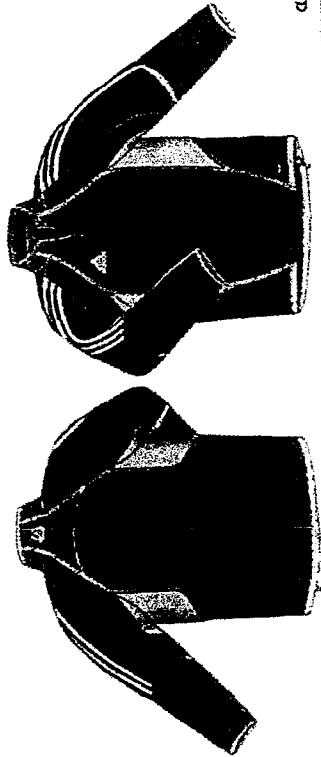
		MEN'S	
	<p>Men's Escudo Stadium Jacket T4080037</p> <p>Extended back hem for better protection against wind and cold. Collar, pockets and arm cuff with polar fleece for a great feeling. Coating is a synthetic layer directly impregnated on to one side of the fabric to achieve wind and water resistance. Water-repellent, 100% nylon.</p> <p>Sizes: S M L XL 2XL 910884 Black 8841 Black</p> <p>Available at once</p> <p>\$59.00 A34008</p>		
	<p>Men's Torneo Windbreaker T3080004</p> <p>Climate-root® half-zip jacket with an ergonomic cut. Flatlock seams, back ventilation, mesh inner lining, elastic cuff, extended open hem with inside quickcord.</p> <p>100% polyester. 100% mesh.</p> <p>Sizes: S M L XL 2XL 5064123 Black 5064124 Navy Blue</p> <p>Available: 12/25/04</p> <p>\$65.00 A33008</p>	<p>• Carryover</p> <p>✓ Carry Forward to Summer '06</p> <p>† Sample Not Available</p> <p>* Auto-replenish</p> <p>• MU Enhanced</p>	<p>SOCCER modern</p> <p>47</p>

Exhibit 1
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Complaint

SOCCER
Modern

48

MEN'S

Men's Torneo Rain Jacket

TS000005

\$79.00
ASAP

Full-zip rain jacket with concealed hood. Front flap and hook-and-loop tape closure for protection, back ventilation, mesh lining, side pockets, elastic cuffs and extended hem. 1500cm clear coating. Screen-printed Football Signature Logo and adidas brandmark.

100% nylon plain weave.

Available: 12 | 25 | 04

Sizes: S | M | L | XL | 2XL

573146 Black | Black | White

573151 University Red | Black | White

573148 Chart | Black | White

573147 New Navy | Black | White

Men's Torneo Training Top

TS000011

\$59.00
ASAP

ClimateCool® half-zip top with an ergonomic cut. Flatlock seams, mesh insert on collar, sleeves and chest, side-earm zip pockets. Embroidered adidas brandmark.

100% polyester.

100% mesh.

Sizes: S | M | L | XL | 2XL

500415 Black | Black | White

500414 Black | Sunshin | White

500416 University Red | Black | White

500413 Forest | Black | White

500411 Black | White

500412 New Navy | Black | White

Available: 12 | 25 | 04

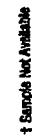
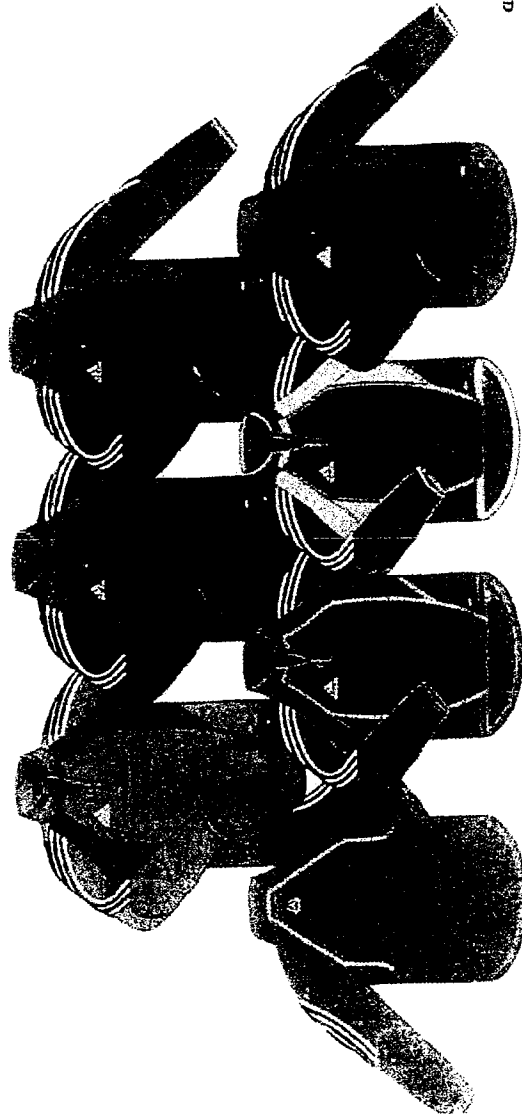
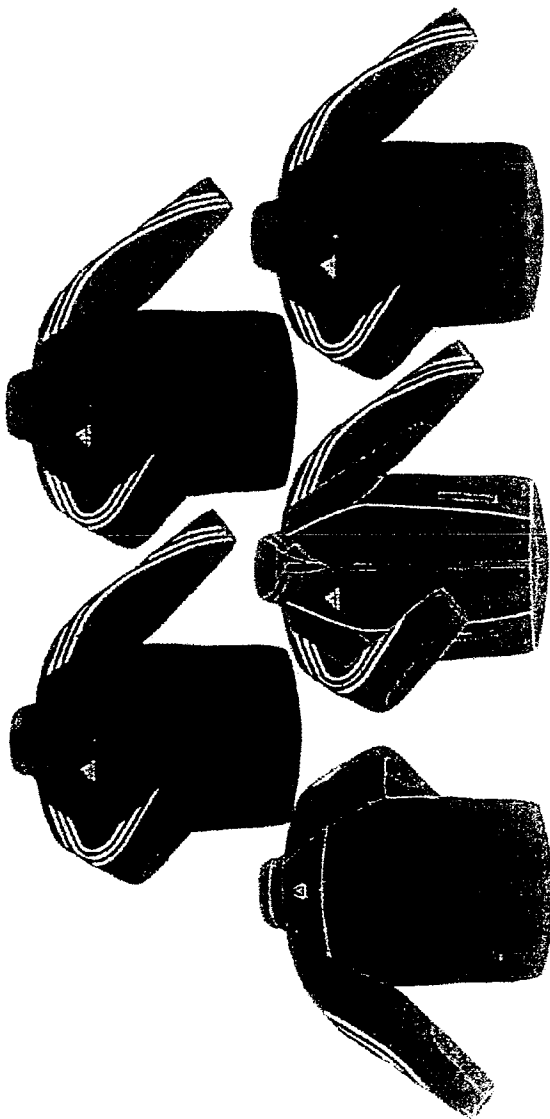
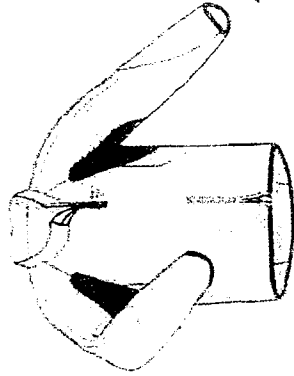


Exhibit 1
Page 22 of 26
Completed

EXHIBIT 1
PAGE 42

TENNIS



FormMotion® Training Top

SS040013

FormMotion® technology with precise seam placement for comfort while in motion. 3-D engineered pattern for comfort and fit with engineered 3-Stripes down arms.

90% polyester / 10% spandex.

Sizes: XS | S | M | L | XL | 2XL | 3XL

Available: 11/25/04

507534 Contrast Dark Side / Fresh Orange

CLIMACool

CLIMACool

\$30.00
AS2505\$55.00
AS2705

FormMotion® Short

SS040012

FormMotion® technology using precise seam placement for comfort while in motion with 3-D engineered pattern for enhanced fit and performance. Wicking stretch-woven fabric for moisture management.

88% polyester / 12% spandex.

Sizes: XS | S | M | L | XL | 2XL | 3XL

Available: 11/25/04

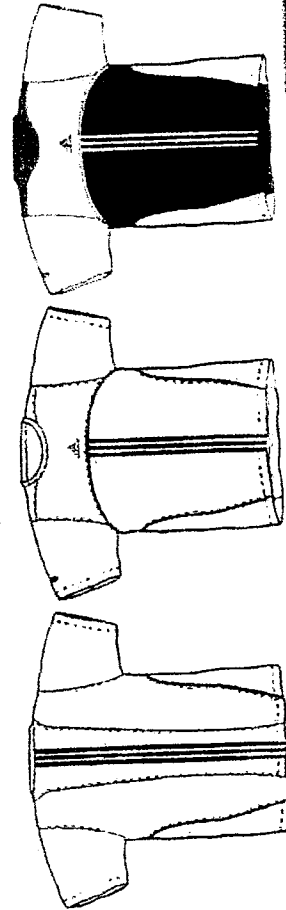
507535 Dark Side / Street Fresh Orange

CLIMACool

CLIMACool



TENNIS



Competition Short-Sleeve Top

SS040002

CLIMACool® mesh panels in front and back. Full 3-D mesh back with full 3-Stripes down front and back of shirt. Worn by our top athletes.

100% polyester.

Sizes: XS | S | M | L | XL | 2XL | 3XL

Available: 12/25/04

507558 White / White

507561 Dark Navy / Luxe

CLIMACool

CLIMACool

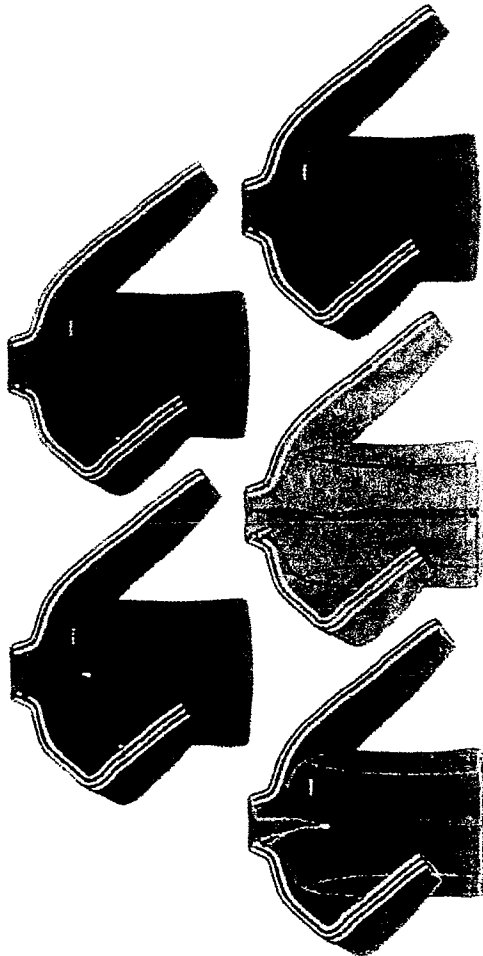
\$45.00
AS2505TENNIS
competition

79

Exhibit 1
Page 23 of 26
Complaint

EXHIBIT 1

PAGE 43

\$55.00
A227803**Essentials Reversed-Dazzle Jacket**

S4APW001

Athletic-fit full-zip jacket with mesh liner. Dull side out dazzle body, shiny side out contrast applied 3-Stripes on funnel collar down sleeves. Open hem sleeve and bottom. Embroidered adidas wordmark at left chest.

100% polyester dazzle.

100% polyester mesh.

Sizes: XS | S | M | L | XL | 2XL

Available: 12 | 25 | 04

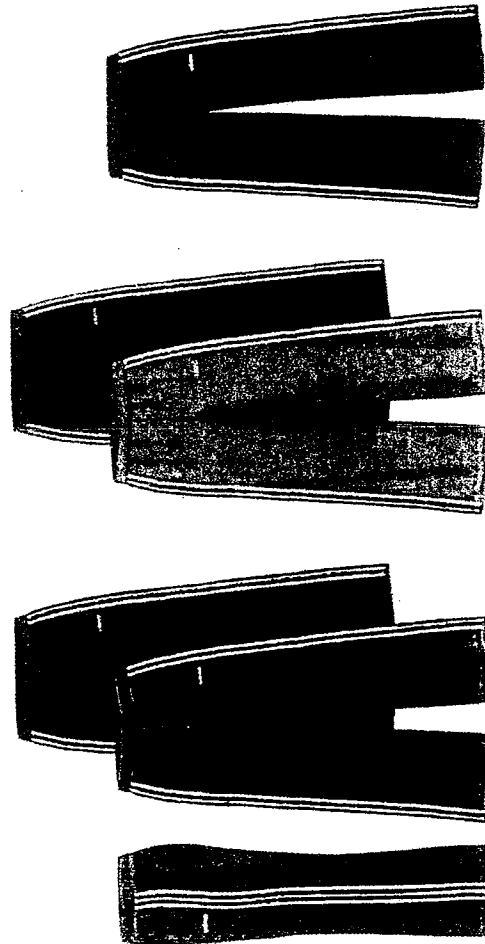
355045 Navy | White | White

478366 Army Blue | White | White

478367 Navy | White | White

377312 Dark Indigo | White | White

375313 Dark Indigo | Charcoal Green | Charcoal Green

\$40.00
A228005**Essentials Reversed-Dazzle Pant**

S4APW002

Pull-on athletic-fit pant. Flat front, elastic waist. Contrast applied 3-Stripes on side seam. Open bottom hem. Embroidered adidas wordmark on left hip.

100% polyester fabric.

Sizes: XS | S | M | L | XL | 2XL

Available: at once

355044 Navy | White | White

478365 Army Blue | White | White

478366 Navy | White | White

377312 Dark Indigo | White | White

375313 Dark Indigo | Charcoal Green | Charcoal Green

WOMEN'S**TRAINING FOR SPORT**
brand essentials

175

• Carryover

† Carry Forward to Summer '05

† Sample Not Available

★ Auto-replenish

• Mail Enhanced

Exhibit 1
Page 25 of 26EXHIBIT 1
PAGE 45



CLIMATECH

\$55.00
AS2765

Youth Pulse Hooded Jacket

TS060041Y

Elite product for the consumer who wants the best of the best. A fusion of performance and style. Design and color integration with the new Predator Pulse boot. Hooded top with inside brushed fabric. Climatearm™ technology. Stay warm, stay comfortable. Climatearm is about thermal insulation. By insulating your body you can use your energy for other things, like performing better for longer periods. Retain your heat in a cold world.

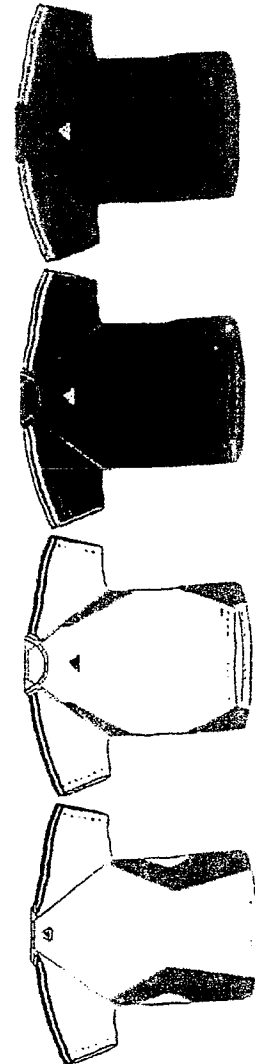
100% polyester.

Size: S M L XL

571741 Black Collegiate Red / White

571740 Collegiate Red / Black / White

Available: 12 | 25 | 04



CLIMATECH

\$30.00
AS1905

Youth Pulse ClimateCool Jersey

TS060043Y

ClimateCool Jersey with vents around the collar and an innovative double-mesh back with mesh bands on the front and an embroidered adidas brandmark.

100% polyester.

Size: S M L XL

571717 White Collegiate Red / Black

571719 Black Collegiate Red / White

571718 Collegiate Red / Black / White

Available: 12 | 25 | 04

• Carryover / Carry Forward to Summer '05

* Auto-replenish

† Sample Not Available

IMU Enhanced

Exhibit 1
Page 26 of 26

EXHIBIT 1
PAGE 46

Exhibit 2

Int. Cl.: 25

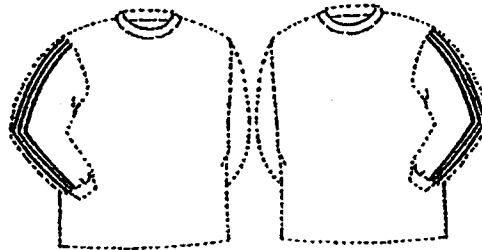
Prior U.S. Cls.: 22 and 39

Reg. No. 2,058,619

United States Patent and Trademark Office

Registered May 6, 1997

**TRADEMARK
PRINCIPAL REGISTER**



ADIDAS AG (FED REP GERMANY CORPORATION)
P.O. BOX 1120
HERZOGENAURACH D-91072, FED REP GERMANY

FOR: SPORTS AND LEISURE WEAR, NAMELY SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 0-0-1967; IN COMMERCE 0-0-1967.

OWNER OF U.S. REG. NO. 870,136.

THE MARK CONSISTS OF THREE PARALLEL BANDS POSITIONED ALONG THE LENGTH OF EACH SLEEVE OF A SHIRT. THE DOTTED OUTLINE OF A SHIRT IS NOT PART OF THE MARK BUT IS MERELY INTENDED TO SHOW THE POSITION OF THE MARK.

SEC. 2(F).

SER. NO. 74-653,301, FILED 3-28-1995.

ANIL V. GEORGE, EXAMINING ATTORNEY

Exhibit 2
Page 1 of 1

EXHIBIT 2
PAGE 41

Exhibit 3

Int. Cl.: 25

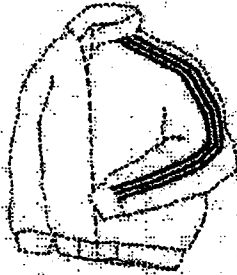
Prior U.S. Cls.: 22 and 39

Reg. No. 3,029,127

United States Patent and Trademark Office

Registered Dec. 13, 2005

**TRADEMARK
PRINCIPAL REGISTER**



ADIDAS-SALOMON AG (FED REP GERMANY
AKTIENGESELLSCHAFT (AG))
ADI-DASSLER STRASSE 1-2
D-91074 HERZOGENAURACH, FED REP GERMA-
NY

FOR: CLOTHING, NAMELY, T-SHIRTS, SWEAT-
SHIRTS, JACKETS AND COATS, IN CLASS 25 (U.S.
CLS. 22 AND 39).

FIRST USE 2-3-1967; IN COMMERCE 8-3-1967.

OWNER OF U.S. REG. NOS. 870,136, 2,016,963,
AND 2,058,619.

THE MARK CONSISTS OF THREE PARALLEL
STRIPES RUNNING ALONG THE SLEEVE OF A
SHIRT, T-SHIRT, SWEATSHIRT, JACKET OR COAT.
THE DOTTED OUTLINE OF THE GARMENT IS
NOT CLAIMED AS PART OF THE MARK AND IS
INTENDED ONLY TO SHOW THE POSITION OF
THE MARK.

SEC. 2(F).

SER. NO. 78-539,470, FILED 12-29-2004.

BARNEY CHARLON, EXAMINING ATTORNEY

Exhibit 3
Page 1 of 1

EXHIBIT 3
PAGE 48

Exhibit 4

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,087,329

Registered May 2, 2006

**TRADEMARK
PRINCIPAL REGISTER**



ADIDAS-SALOMON AG (FED REP GERMANY
AKTIENGESELLSCHAFT (AG))
ADI-DASSLER STRASSE 1-2
D-91074 HERZOGENAURACH, FED REP GERMA-
NY

SHIRT, T-SHIRT, SWEATSHIRT, VEST, JACKET
OR COAT. THE DOTTED OUTLINE OF THE GAR-
MENT IS NOT CLAIMED AS PART OF THE MARK
AND IS INTENDED ONLY TO SHOW THE POSI-
TION OF THE MARK.

FOR: CLOTHING, NAMELY, SHIRTS, T-SHIRTS,
SWEATSHIRTS, VESTS, JACKETS AND COATS, IN
CLASS 25 (U.S. CLS. 22 AND 39).

SEC. 2(F).

FIRST USE 2-3-1967; IN COMMERCE 8-3-1967.

SER. NO. 78-539,504, FILED 12-29-2004.

THE MARK CONSISTS OF THREE PARALLEL
STRIPES RUNNING ALONG THE SIDE OF A

HOWARD SMIGA, EXAMINING ATTORNEY

Exhibit 4
Page 1 of 1

EXHIBIT 4
PAGE 49

Exhibit 5

Int. Cl.: 25

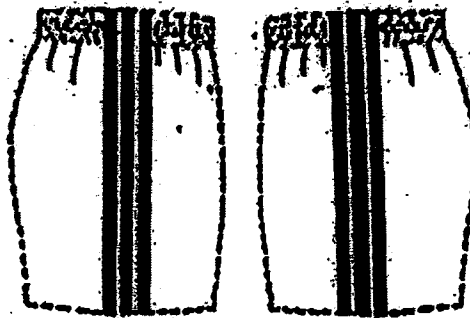
Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,278,591

Registered Sep. 21, 1979

**TRADEMARK
PRINCIPAL REGISTER**



ADIDAS AG (FED REP GERMANY CORPORATION)
P.O. BOX 1120
HERZOGENAU RACH D-51072, FED REP GERMANY

FOR: SPORTS AND LEISURE WEAR, NAMELY, SHORTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 0-0-1967; IN COMMERCE 0-0-1967.

OWNER OF U.S. REG. NOS. 870,136, 1,811,936, AND 1,811,961.

THE MARK CONSISTS THREE PARALLEL BANDS EXTENDING ALONG THE LENGTH OF EACH LEG OF THE SHORTS. THE BANDS BEING OF CONTRASTING COLOR TO THAT OF THE REMAINDER OF THE SHORTS. THE DOTTED LINES ARE NOT A PART OF THE MARK AND ONLY USED TO INDICATE POSITION.

SEC. 2(F).

SER. NO. 74-411,301, FILED 1-21-1971.

RUDY R. SINGLETON, EXAMINING ATTORNEY

Exhibit 5
Page 1 of 1

EXHIBIT 5
PAGE 50

Exhibit 6

Int. Cl.: 25

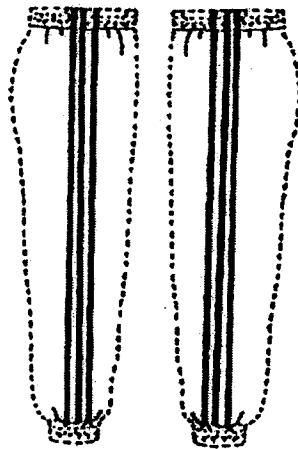
Prior U.S. Cls.: 22 and 39

Reg. No. 2,284,308

United States Patent and Trademark Office

Registered Oct. 12, 1999

**TRADEMARK
PRINCIPAL REGISTER**



**ADIDAS-SALOMON AG (FED REP GERMANY
JOINT STOCK COMPANY)
P.O. BOX 1120
HERZOGENAURACH, FED REP GERMANY**

**FOR: SPORTS AND LEISURE WEAR,
NAMELY PANTS, IN CLASS 25 (U.S. CLS. 22
AND 39).**

**FIRST USE 0-0-1967; IN COMMERCE
0-0-1967.**

**OWNER OF U.S. REG. NOS. 870,136, 1,815,956,
AND 1,833,868.**

**THE MARK CONSISTS THREE PARALLEL
BANDS EXTENDING ALONG THE LENGTH**

**OF EACH LEG OF THE PANTS, THE BANDS
BEING OF CONTRASTING COLOR TO THAT
OF THE REMAINDER OF THE PANTS. THE
DOTTED LINES ARE NOT A PART OF THE
MARK AND ONLY USED TO INDICATE POSI-
TION.**

SEC. 2(F).

SER. NO. 74-653,302, FILED 3-28-1995.

**RUDY R. SINGLETON, EXAMINING ATTOR-
NEY**

**Exhibit 6
Page 1 of 1**

**EXHIBIT 6
PAGE 51**

Exhibit 7

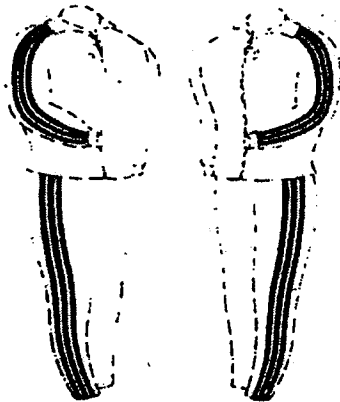
Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office
10 Year Renewal

Reg. No. 870,136
Registered May 27, 1969
Renewal Approved Apr. 2, 1990

**TRADEMARK
PRINCIPAL REGISTER**



ADIDAS AG (FED REP GERMANY CORPORATION)
HERZOGENAURACH, FED REP GERMANY, BY MERGER WITH AND CHANGE OF NAME FROM ADIDAS-SPORTSCHUHFABRIKEN ADI DASSLER K.G. (FED REP GERMANY FIRM), HERZOGENAURACH, NEAR NUREMBERG, FED REP GERMANY

OWNER OF U.S. REG. NOS. 631,812, 738,673 AND OTHERS.
THE MARK CONSISTS OF THREE PARALLEL BANDS EXTENDING ALONG THE LENGTH OF EACH

SLEEVE OF THE TRAINING SUIT AND ALONG THE LENGTH OF EACH LEG OF THE TROUSERS, THE BANDS ON THE SLEEVES BEING OF CONTRASTING COLOR TO THAT OF THE REMAINDER OF THE SLEEVE AND THE BANDS ON THE LEGS OF THE TROUSERS BEING OF CONTRASTING COLOR TO THAT OF THE REMAINDER OF THE TROUSER LEGS.

FOR: ATHLETIC TRAINING SUITS, IN CLASS 39 (INT. CL. 25).
FIRST USE 2-0-1967; IN COMMERCE 8-3-1967.

SER. NO. 72-302,478, FILED 7-11-1968.

In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on May 15, 1990.

Exhibit 7
Page 1 of 1

EXHIBIT 7
PAGE 52

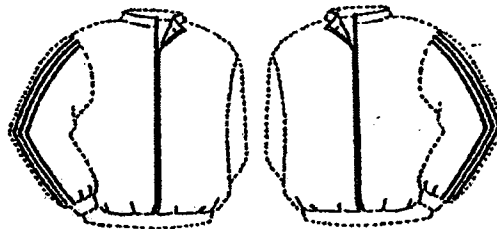
Exhibit 8

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office **Reg. No. 2,016,963**
Registered Nov. 19, 1996

**TRADEMARK
PRINCIPAL REGISTER**



ADIDAS AG (FED REP GERMANY CORPORATION)
P.O. BOX 1120
HERZOGENAURACH D-91072, FED REP GERMANY

FOR: SPORTS AND LEISURE WEAR,
NAMESLY JACKETS, IN CLASS 25 (U.S. CLS. 22
AND 39).

FIRST USE 0-0-1967; IN COMMERCE
0-0-1967.

OWNER OF U.S. REG. NO. 870,136.

THE MARK CONSISTS OF THREE PARALLEL BANDS POSITIONED ALONG THE LENGTH OF EACH SLEEVE OF A JACKET. THE DOTTED OUTLINE OF A JACKET IS NOT PART OF THE MARK BUT IS MERELY INTENDED TO SHOW THE POSITION OF THE MARK.

SEC. 2(F).

SER. NO. 74-653,296, FILED 3-28-1995.

ANIL V. GEORGE, EXAMINING ATTORNEY

Exhibit 8
Page 1 of 1

EXHIBIT 8
PAGE 53

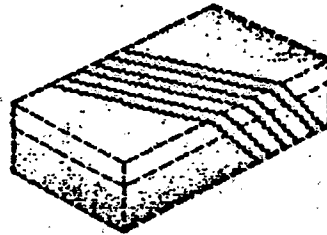
Exhibit 9

United States Patent Office

961,353
Registered June 19, 1973

PRINCIPAL REGISTER Trademark

Scr. No. 358,532, filed May 1, 1970



Adidas Sportschuhfabriken Adi Dassler K.G.
Am Bahnhof, Herzogenaurach
Nuremberg, Germany

For: SPECIAL PURPOSE ATHLETIC SHOES, in
CLASS 22 (INT. CL. 25).

For: GENERAL PURPOSE SPORT SHOES, in
CLASS 39 (INT. CL. 25).

First use 1967; in commerce 1967.

The mark comprises three white stripes extending across
the blue background of the box container and the outline
of the container box is made to appear in broken lines.
Owner of U.S. Reg. Nos. 631,812, 870,136, and others.

Exhibit 9
Page 1 of 12

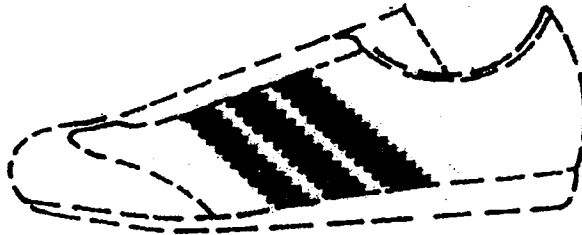
EXHIBIT 9
PAGE 54

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office **Reg. No. 1,815,956**
Registered Jan. 11, 1994

**TRADEMARK
PRINCIPAL REGISTER**



**ADIDAS AG (FED REP GERMANY JOINT
STOCK COMPANY)
D-8522 HERZOGENAURACH, FED REP GER-
MANY**

**FOR: ATHLETIC FOOTWEAR, IN CLASS 25
(U.S. CL. 39):**

**FIRST USE 0-0-1952; IN COMMERCE
0-0-1952.
SEC. 2(F).**

SER. NO. 74-255,912, FILED 3-16-1992.

MIDGE BUTLER, EXAMINING ATTORNEY

**Exhibit 9
Page 2 of 12**

EXHIBIT 9
PAGE 55

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,833,868

Registered May 3, 1994

**TRADEMARK
PRINCIPAL REGISTER**



**ADIDAS AG (FED REP GERMANY JOINT
STOCK COMPANY)
D-8522 HERZOGENAURACH, FED REP GER-
MANY**

**FOR: ATHLETIC FOOTWEAR, IN CLASS 25
(U.S. CL. 39).**

**FIRST USE 0-0-1949; IN COMMERCE
0-0-1978.
SEC. 2(F).**

SER. NO. 74-263,512, FILED 4-7-1992.

MIDGE BUTLER, EXAMINING ATTORNEY

**Exhibit 9
Page 3 of 12**

**EXHIBIT 9
PAGE 56**

Int. Cl.: 25

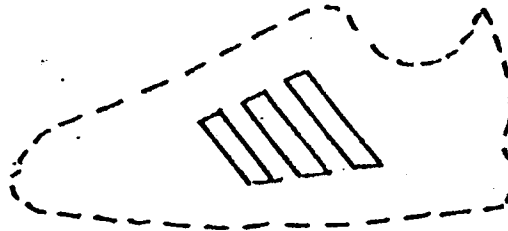
Prior U.S. Cls.: 22 and 39

Reg. No. 2,278,589

United States Patent and Trademark Office

Registered Sep. 21, 1999

**TRADEMARK
PRINCIPAL REGISTER**



ADIDAS AG (FED REP GERMANY CORPORATION)
P.O. BOX 1120
HERZOGENAURACH
D-91072, FED REP GERMANY

OWNER OF U.S. REG. NOS. 870,136, 1,815,956,
AND 1,833,868.

SEC. 2(F).

SER. NO. 74-644,822, FILED 3-7-1995.

FOR: ATHLETIC AND LEISURE FOOT-
WEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).
FIRST USE 0-0-1952; IN COMMERCE
0-0-1952.

CHARLES WEIGELL, EXAMINING ATTOR-
NEY

Exhibit 9
Page 4 of 12

EXHIBIT 9
PAGE 57

Int. Cl.: 25

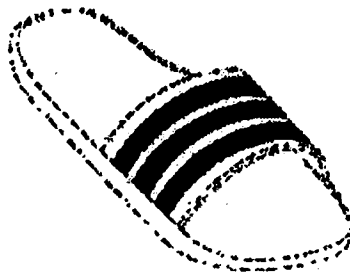
Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,909,861

Registered Dec. 14, 2004

**TRADEMARK
PRINCIPAL REGISTER**



ADIDAS-SALOMON AG (FED REP GERMANY
JOINT STOCK COMPANY)
ADI-DASSLER STRASSE 1-2
D-91074 HERZOGENAURACH, FED REP GERMA-
NY

FOR: FOOTWEAR, NAMELY, SLIDES, IN CLASS
25 (U.S. CLS. 22 AND 39).

FIRST USE 0-0-1972; IN COMMERCE 0-0-1972.

OWNER OF U.S. REG. NOS. 870,136, 2,284,308 AND
OTHERS.

THE MARK CONSISTS OF THREE STRIPES
POSITIONED ON THE TOP PART OF A SLIDE.
THE DOTTED OUTLINE OF THE SLIDE IS NOT
CLAIMED AS PART OF THE MARK AND IS
INTENDED ONLY TO SHOW THE POSITION OF
THE MARK.

SEC. 2(F).

SER. NO. 76-535,511, FILED 7-28-2003.

NANCY CLARKE, EXAMINING ATTORNEY

Exhibit 9
Page 5 of 12

EXHIBIT 9
PAGE 58

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,999,646

Registered Sep. 27, 2005

**TRADEMARK
PRINCIPAL REGISTER**



ADIDAS-SALOMON AG (FED REP GERMANY
JOINT STOCK COMPANY)
ADI-DASSLER STRASSE 1-2
D-91074 HERZOGENAURACH, FED REP GERMA-
NY

OWNER OF U.S. REG. NOS. 870,136, 2,284,308 AND
OTHERS.

SEC. 2(F).

FOR: FOOTWEAR, NAMELY, SLIDES, IN CLASS
25 (U.S. CLS. 22 AND 39).

SER. NO. 76-535,367, FILED 7-28-2003.

FIRST USE 0-0-1972; IN COMMERCE 0-0-1972.

KIM SAITO, EXAMINING ATTORNEY

Exhibit 9
Page 6 of 12

EXHIBIT 9
PAGE 59

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,029,129

Registered Dec. 13, 2005

**TRADEMARK
PRINCIPAL REGISTER**



ADIDAS-SALOMON AG (FED REP GERMANY
AKTIENGESELLSCHAFT (AG))
ADI-DASSLER STRASSE 1-2
D-91074 HERZOGENAURACH, FED REP GERMA-
NY

FOR: FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND
39).

FIRST USE 1-1-1952; IN COMMERCE 1-1-1952.

THE MARK CONSISTS OF THREE PARALLEL
STRIPES APPLIED TO FOOTWEAR, THE STRIPES

ARE POSITIONED ON THE FOOTWEAR UPPER IN
THE AREA BETWEEN THE LACES AND THE SOLE.
THE DOTTED OUTLINE OF THE FOOTWEAR IS
NOT CLAIMED AS PART OF THE MARK AND IS
INTENDED ONLY TO SHOW THE POSITION OF
THE MARK.

SEC. 2(F).

SER. NO. 78-539,629, FILED 12-29-2004.

ALINA MORRIS, EXAMINING ATTORNEY

Exhibit 9
Page 7 of 12

EXHIBIT 9

PAGE 60

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,029,135

Registered Dec. 13, 2005

**TRADEMARK
PRINCIPAL REGISTER**



ADIDAS-SALOMON AG (FED REP GERMANY
AKTIENGESELLSCHAFT (AG))
ADI-DASSLER STRASSE 1-2
D-91074 HERZOGENAUACH, FED REP GERMA-
NY

FOR: FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND
39).

FIRST USE 1-1-1952; IN COMMERCE 1-1-1952.

THE MARK CONSISTS OF THREE PARALLEL
STRIPES WITH SERRATED EDGES APPLIED TO

FOOTWEAR, THE STRIPES ARE POSITIONED ON
THE FOOTWEAR UPPER IN THE AREA BETWEEN
THE LACES AND THE SOLE. THE DOTTED OUT-
LINE OF THE FOOTWEAR IS NOT CLAIMED AS
PART OF THE MARK AND IS INTENDED ONLY
TO SHOW THE POSITION OF THE MARK.

SEC. 2(F).

SER. NO. 78-539,734, FILED 12-29-2004.

ALINA MORRIS, EXAMINING ATTORNEY

Exhibit 9
Page 8 of 12

EXHIBIT 9
PAGE 61

Int. Cl.: 25

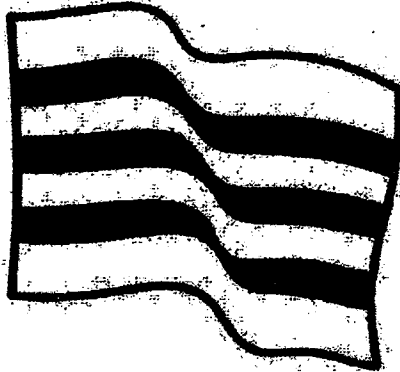
Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,063,742

Registered Feb. 28, 2006

**TRADEMARK
PRINCIPAL REGISTER**



**ADIDAS INTERNATIONAL MARKETING B.V.
(NETHERLANDS PRIVATE LIMITED LIABILITY COMPANY)**

**KONINGIN WILHELMINAPLEIN 30
1062 KR AMSTERDAM, NETHERLANDS**

**FOR: PANTS, SHORTS, SKORTS, FOOTWEAR,
SHIRTS, VESTS, SOCKS, JACKETS, SWEATERS,**

**HEADWEAR, VISORS, PULLOVERS, RAINSUIT,
IN CLASS 25 (U.S. CLS. 22 AND 39).**

FIRST USE 1-15-2004; IN COMMERCE 1-15-2004.

SER. NO. 78-591,687, FILED 3-21-2005.

GLENN CLARK, EXAMINING ATTORNEY

**Exhibit 9
Page 9 of 12**

**EXHIBIT 9
PAGE 62**

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,063,745

Registered Feb. 28, 2006

**TRADEMARK
PRINCIPAL REGISTER**



ADIDAS INTERNATIONAL MARKETING B.V.
(NETHERLANDS PRIVATE LIMITED LIABILITY COMPANY)

KONINGIN WILHELMINAPLEIN 30
1062 KR AMSTERDAM, NETHERLANDS

FOR: PANTS, SHORTS, SKORTS, FOOTWEAR,
SHIRTS, VESTS, SOCKS, JACKETS, SWEATERS,

HEADWEAR, VISORS, PULLOVERS, RAINSUITS,
IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-15-2004; IN COMMERCE 1-15-2004.

SER. NO. 78-591,755, FILED 3-21-2005.

GLENN CLARK, EXAMINING ATTORNEY

Exhibit 9
Page 10 of 12

EXHIBIT 9
PAGE 63

Int. Cl.: 25

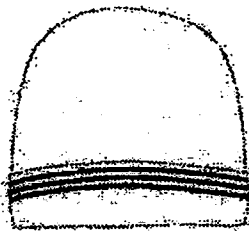
Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,183,656

Registered Dec. 12, 2006

**TRADEMARK
PRINCIPAL REGISTER**



ADIDAS AG (FED REP GERMANY JOINT
STOCK COMPANY)
ADI-DASSLER-STRASSE 1
HERZOGENAURACH, FED REP GERMANY 91074

THE MARK CONSISTS OF THREE PARALLEL
STRIPES EXTENDING AROUND THE HEAD-
WEAR.

FOR: HEADWEAR, IN CLASS 25 (U.S. CLS. 22
AND 39).

SEC. 2(F).

FIRST USE 5-0-1993; IN COMMERCE 1-0-1994.

SER. NO. 78-802,316, FILED 1-30-2006.

OWNER OF U.S. REG. NOS. 870,136, 2,999,646 AND
OTHERS.

ANDREA K. NADELMAN, EXAMINING ATTOR-
NEY

Exhibit 9
Page 11 of 12

EXHIBIT 9
PAGE 64

Int. Cl.: 25

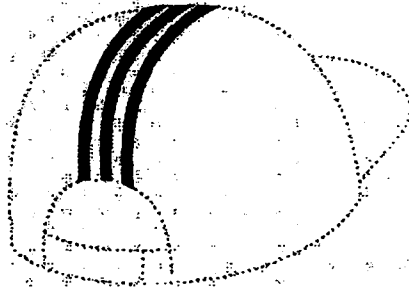
Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,236,505

Registered May 1, 2007

**TRADEMARK
PRINCIPAL REGISTER**



ADIDAS AG (FED REP GERMANY JOINT
STOCK COMPANY)
ADI-DASSLER-STRASSE 1
HERZOGENAURACH, FED REP GERMANY 91074

FOR: HEADWEAR, IN CLASS 25 (U.S. CLS. 22
AND 39).

FIRST USE 5-0-1993; IN COMMERCE 1-0-1994.

OWNER OF U.S. REG. NOS. 2,284,308, 2,999,646
AND OTHERS.

THE MARK CONSISTS OF THREE PARALLEL
STRIPES EXTENDING FROM THE REAR OF THE
HEADWEAR TO THE TOP OF THE HEADWEAR.
THE DOTTED OUTLINE OF THE HAT, BRIM AND
STRAP ARE NOT CLAIMED AS PART OF THE
MARK AND IS INTENDED ONLY TO SHOW THE
POSITION OF THE MARK.

SEC. 2(F).

SER. NO. 78-802,476, FILED 1-30-2006.

KELLY MCCOY, EXAMINING ATTORNEY

Exhibit 9
Page 12 of 12

EXHIBIT 9
PAGE 65

Exhibit 10

Int. Cls.: 18, 25 and 28

Prior U.S. Cls.: 3, 22 and 39

United States Patent and Trademark Office

Reg. No. 1,674,229

Registered Feb. 4, 1992

**TRADEMARK
PRINCIPAL REGISTER**

THE BRAND WITH THE THREE STRIPES

ADIDAS AG (FED REP GERMANY CORPORATION)
D-8522 HERZOGENAURACH, FED REP GERMANY

FOR: SPORT BAGS FOR GENERAL USE AND CROSS-COUNTRY BACK-PACKS, IN CLASS 18 (U.S. CL. 3).

FIRST USE 1-0-1968; IN COMMERCE 1-0-1968.

FOR: SPORT AND LEISURE WEAR; NAMELY, SHORTS, PANTS, SHIRTS, T-SHIRTS, JERSEYS, TIGHTS, SOCKS, GLOVES, JACKETS, SWIMWEAR, SWEATERS, CAPS AND HATS, PULL-OVERS, WARM-UP SUITS, RAIN SUITS, SKI SUITS, JUMPSUITS, BOOTS, SLIPPERS, SANDALS; SHOES, BOOTS AND AFTER SKI BOOTS FOR HIKING AND TREKKING, ATHLETIC SHOES AND GENERAL-PURPOSE SPORTS SHOES, IN CLASS 25 (U.S. CL. 39).

FIRST USE 1-0-1968; IN COMMERCE 1-0-1968.

FOR: SPORTS BALLS, RACKETS FOR TENNIS, SQUASH OR SHUTTLECOCK; ICE AND ROLLERSKATES, SKIS AND SKI EQUIPMENT; NAMELY, CROSS-COUNTRY SKIBINDINGS AND PARTS THEREOF, CROSS-COUNTRY SKIING OVERSHOES, RACKET COVERS, HAND-PADDLES AND KICKBOARDS, IN CLASS 28 (U.S. CL. 22).

FIRST USE 1-0-1968; IN COMMERCE 1-0-1968.

OWNER OF U.S. REG. NOS. 641,906, 1,428,947 AND OTHERS.

SEC. 2(F).

SER. NO. 74-023,435, FILED 1-29-1990.

JANICE O'LEAR, EXAMINING ATTORNEY

Exhibit 10
Page 1 of 1

EXHIBIT 10
PAGE 66

Exhibit 11



**KILPATRICK
STOCKTON LLP**

Attorneys at Law

Suite 2800 1100 Peachtree St.
Atlanta GA 30309-4530
t 404 815 6500 f 404 815 6555
www.KilpatrickStockton.com

September 3, 2009

direct dial 404 685 6700
direct fax 404 685 6649
SVanderhoff@KilpatrickStockton.com

VIA OVERNIGHT MAIL

Mr. Rolando Villagran
Villagran Sports / A1 Soccer Planet
330 Wall Street, Suite 7
Los Angeles, California 90013

Re: Infringement of adidas's Intellectual Property Rights

Dear Mr. Villagran:

This firm represents adidas America, Inc. and adidas AG in connection with intellectual property matters. adidas requested that we contact you regarding the infringing apparel being sold by your company, Villagran Sports doing business as A1 Soccer Planet ("Villagran").

At least as early as 1967, adidas began using the Three-Stripe Mark on apparel sold in the United States and worldwide. As you may be aware, adidas owns numerous federal trademark registrations covering the mark for apparel, including shirts (Reg. Nos. 2,058,619 & 3,029,127), shorts (Reg. No. 3,063,745 & 3,063,742), jackets (Reg. Nos. 2,016,963, 3,029,127, 3,063,742, 3,063,745, & 3,087,329), pants (Reg. No. 2,284,308 & 2,278,591), athletic training suits (Reg. No. 870,136), and hats (3,183,656 & 3,236,505). adidas also owns a federal registration for the word mark THE BRAND WITH THE THREE STRIPES (Reg. No. 1,674,229) for sports and leisure wear. The Three-Stripe Mark is well-known and famous. Indeed, unsolicited media coverage has referred to the "iconic three stripes" (*Footwear News*, June 16, 2008), the "signature three stripes" (*L.A. Times*, August 13, 2004), the "famous brand with the three stripes" (*San Francisco Chronicle*, July 7, 2002), and the "legendary Adidas three stripes" (*Brand Strategy*, September 27, 1999).





As you are undoubtedly aware, adidas is the official supplier of authentic and replica jerseys, apparel, and equipment for numerous professional soccer teams, including the Hamburg Football Club, Newcastle United Football Club, A.C. Milan, Olympique de Marseille, and Chelsea Football Club. Notwithstanding our client's rights, it has come to our attention that your company has been offering for sale and selling apparel bearing confusingly similar imitations of the Three-Stripe Mark in the same manner as adidas apparel

US1900 9244798.1

EXHIBIT 11
PAGE 67

Mr. Rolando Villagran
September 3, 2009
Page 2

and that are imitations of the authentic apparel supplied by adidas. Examples of this apparel (and the authentic adidas apparel) are depicted below and on the top of the following page:

<u>Authentic adidas Apparel</u>	<u>Villagran Sports Apparel</u>
	
	

Mr. Rolando Villagran
September 3, 2009
Page 3

Authentic adidas Apparel	Villagran Sports Apparel
	
	
	

Mr. Rolando Villagran
September 3, 2009
Page 4

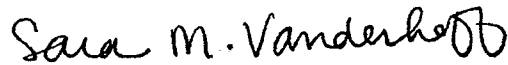
Sale of this apparel is likely to cause consumers to believe mistakenly that your products are licensed by, affiliated with, or sponsored by adidas. Your use of confusingly similar imitations of the Three-Stripe Mark constitutes trademark infringement, and unfair competition under federal and state law. As your attorneys will confirm, in addition to injunctive relief, the federal Trademark Act provides that, in cases such as this, the owner of a federal registration may recover actual damages and an accounting of profits (both of which may be trebled), and attorneys' fees. Similar remedies are available under various state laws, as are punitive damages.

adidas therefore demands that Villagran Sports: (1) immediately cease and desist from all sales of its infringing apparel, as well as any other apparel bearing designs in a manner likely to be confused with the Three-Stripe Mark; and (2) identify the number of units sold and the price at which each such unit of infringing apparel was sold.

If we do not receive a satisfactory response within ten (10) days of your receipt of this letter, we will take appropriate action to protect the rights of adidas.

We look forward to your prompt response.

Sincerely,



Sara M. Vanderhoff

cc: R. Charles Henn Jr., Esq.

Exhibit 12



Suite 2800 1100 Peachtree St.
Atlanta GA 30309-4528
t 404 815 6500 f 404 815 6555
www.KilpatrickStockton.com

October 9, 2009

direct dial 404 685 6700
direct fax 404 685 6649
svanderhoff@kilpatrickstockton.com

Via Overnight Mail

Mr. Rolando Villagran
Villagran Sports / A1 Soccer Planet
330 Wall Street, Suite 7
Los Angeles, California 90013

Re: Infringement of adidas's Intellectual Property Rights

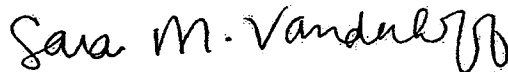
Dear Mr. Villagran:

We have not heard back from you in response to our September 2, 2009 letter concerning infringing apparel offered for sale and sold by Villagran Sports doing business as A1 Soccer Planet ("Villagran"). For ease of reference, I enclose a copy of the September 2 letter.

adidas renews its demands that your company: (1) immediately cease and desist from all sales of its infringing apparel, as well as any other apparel bearing stripes in a manner likely to be confused with the Three-Stripe Mark; and (2) identify the number of units sold and the price at which each such unit of infringing apparel was sold.

If we do not hear back from you within ten (10) days, adidas will have no choice but to pursue its remedies in a more formal and public manner.

Sincerely,

A handwritten signature in black ink that reads 'Sara M. Vanderhoff'. The signature is written in a cursive, flowing style.

Sara M. Vanderhoff

SMV/feg
Enclosure

US1900 9262051.1

ATLANTA AUGUSTA CHARLOTTE DUBAI NEW YORK RALEIGH STOCKHOLM WASHINGTON WINSTON-SALEM

EXHIBIT 12
PAGE 71



Attorneys at Law

Suite 2800 1100 Peachtree St.
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September 3, 2009

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SVanderhoff@KilpatrickStockton.com

VIA OVERNIGHT MAIL

Mr. Rolando Villagran
Villagran Sports / A1 Soccer Planet
330 Wall Street, Suite 7
Los Angeles, California 90013

Re: Infringement of adidas's Intellectual Property Rights

Dear Mr. Villagran:



This firm represents adidas America, Inc. and adidas AG in connection with intellectual property matters. adidas requested that we contact you regarding the infringing apparel being sold by your company, Villagran Sports doing business as A1 Soccer Planet ("Villagran").

At least as early as 1967, adidas began using the Three-Stripe Mark on apparel sold in the United States and worldwide. As you may be aware, adidas owns numerous federal trademark registrations covering the mark for apparel, including shirts (Reg. Nos. 2,058,619 & 3,029,127), shorts (Reg. No. 3,063,745 & 3,063,742), jackets (Reg. Nos. 2,016,963, 3,029,127, 3,063,742, 3,063,745, & 3,087,329), pants (Reg. No. 2,284,308 & 2,278,591), athletic training suits (Reg. No. 870,136), and hats (3,183,656 & 3,236,505). adidas also owns a federal registration for the word mark THE BRAND WITH THE THREE STRIPES (Reg. No. 1,674,229) for sports and leisure wear. The Three-Stripe Mark is well-known and famous. Indeed, unsolicited media coverage has referred to the "iconic three stripes" (*Footwear News*, June 16, 2008), the "signature three stripes" (*L.A. Times*, August 13, 2004), the "famous brand with the three stripes" (*San Francisco Chronicle*, July 7, 2002), and the "legendary Adidas three stripes" (*Brand Strategy*, September 27, 1999).

As you are undoubtedly aware, adidas is the official supplier of authentic and replica jerseys, apparel, and equipment for numerous professional soccer teams, including the Hamburg Football Club, Newcastle United Football Club, A.C. Milan, Olympique de Marseille, and Chelsea Football Club. Notwithstanding our client's rights, it has come to our attention that your company has been offering for sale and selling apparel bearing confusingly similar imitations of the Three-Stripe Mark in the same manner as adidas apparel

Mr. Rolando Villagran
 September 3, 2009
 Page 2

and that are imitations of the authentic apparel supplied by adidas. Examples of this apparel (and the authentic adidas apparel) are depicted below and on the top of the following page:

<u>Authentic adidas Apparel</u>	<u>Villagran Sports Apparel</u>
	
	

Mr. Rolando Villagran
September 3, 2009
Page 3

<u>Authentic adidas Apparel</u>	<u>Villagran Sports Apparel</u>
	
	
	

Mr. Rolando Villagran
September 3, 2009
Page 4

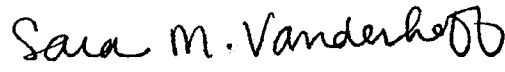
Sale of this apparel is likely to cause consumers to believe mistakenly that your products are licensed by, affiliated with, or sponsored by adidas. Your use of confusingly similar imitations of the Three-Stripe Mark constitutes trademark infringement, and unfair competition under federal and state law. As your attorneys will confirm, in addition to injunctive relief, the federal Trademark Act provides that, in cases such as this, the owner of a federal registration may recover actual damages and an accounting of profits (both of which may be trebled), and attorneys' fees. Similar remedies are available under various state laws, as are punitive damages.

adidas therefore demands that Villagran Sports: (1) immediately cease and desist from all sales of its infringing apparel, as well as any other apparel bearing designs in a manner likely to be confused with the Three-Stripe Mark; and (2) identify the number of units sold and the price at which each such unit of infringing apparel was sold.

If we do not receive a satisfactory response within ten (10) days of your receipt of this letter, we will take appropriate action to protect the rights of adidas.

We look forward to your prompt response.

Sincerely,


Sara M. Vanderhoff

cc: R. Charles Henn Jr., Esq.

Exhibit 13



Suite 2800 1100 Peachtree St.
Atlanta GA 30309-4528
t 404 815 6500 f 404 815 6555
www.KilpatrickStockton.com

November 3, 2009

direct dial 404 685 6700
direct fax 404 685 6649
svanderhoff@kilpatrickstockton.com

Via Hand Delivery

Mr. Rolando Villagran
Villagran Sports / A1 Soccer Planet
330 Wall Street, Suite 7
Los Angeles, California 90013

Re: Infringement of adidas's Intellectual Property Rights

Dear Mr. Villagran:

This letter is being hand-delivered to you by Heather Holdridge, a licensed private investigator from Brand Security Corporation, because we have not heard back from you in response to our September 2, 2009 and October 9, 2009 letters concerning the Infringing Apparel offered for sale and sold by Villagran Sports doing business as A1 Soccer Planet ("Villagran"). For ease of reference, copies of the September 2 and October 9 letters are attached.

adidas demands that your company:

1. Immediately cease and desist the manufacture, importation, offer for sale, sale and/or distribution of the Infringing Apparel;
2. Voluntarily surrender for destruction, or other disposition, to our investigator, your entire inventory of Infringing Apparel;
3. Provide all transactional documents evidencing your purchase and/or sale of the Infringing Apparel;
4. Provide the contact details including the name, address, telephone number, email address and/or website of the individuals and/or companies who supplied you with the Infringing Apparel;
5. Provide an accounting of all Infringing Apparel sold, including the sales price of each item; and

US1900 9262051.1

ATLANTA AUGUSTA CHARLOTTE DUBAI NEW YORK RALEIGH STOCKHOLM WASHINGTON WINSTON-SALEM

EXHIBIT 13
PAGE 76

Mr. Rolando Villagran
November 3, 2009
Page 2

6. Provide written assurances that you will permanently discontinue all unauthorized use of The adidas Group companies' trademarks.

If we do not receive from you a substantive response to my letters within ten (10) days, adidas will have no choice but to pursue its remedies in a more formal and public manner.

Sincerely,



Sara M. Vanderhoff

SMV/feg
Enclosure

cc: R. Charles Henn Jr.



**KILPATRICK
STOCKTON LLP**

Attorneys at Law

Suite 2800 1100 Peachtree St.
Atlanta GA 30309-4530
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www.KilpatrickStockton.com

September 3, 2009

direct dial 404 685 6700
direct fax 404 685 6649
SVanderhoff@KilpatrickStockton.com

VIA OVERNIGHT MAIL

Mr. Rolando Villagran
Villagran Sports / A1 Soccer Planet
330 Wall Street, Suite 7
Los Angeles, California 90013

Re: Infringement of adidas's Intellectual Property Rights

Dear Mr. Villagran:

This firm represents adidas America, Inc. and adidas AG in connection with intellectual property matters. adidas requested that we contact you regarding the infringing apparel being sold by your company, Villagran Sports doing business as A1 Soccer Planet ("Villagran").

At least as early as 1967, adidas began using the Three-Stripe Mark on apparel sold in the United States and worldwide. As you may be aware, adidas owns numerous federal trademark registrations covering the mark for apparel, including shirts (Reg. Nos. 2,058,619 & 3,029,127), shorts (Reg. No. 3,063,745 & 3,063,742), jackets (Reg. Nos. 2,016,963, 3,029,127, 3,063,742, 3,063,745, & 3,087,329), pants (Reg. No. 2,284,308 & 2,278,591), athletic training suits (Reg. No. 870,136), and hats (3,183,656 & 3,236,505). adidas also owns a federal registration for the word mark THE BRAND WITH THE THREE STRIPES (Reg. No. 1,674,229) for sports and leisure wear. The Three-Stripe Mark is well-known and famous. Indeed, unsolicited media coverage has referred to the "iconic three stripes" (*Footwear News*, June 16, 2008), the "signature three stripes" (*L.A. Times*, August 13, 2004), the "famous brand with the three stripes" (*San Francisco Chronicle*, July 7, 2002), and the "legendary Adidas three stripes" (*Brand Strategy*, September 27, 1999).





As you are undoubtedly aware, adidas is the official supplier of authentic and replica jerseys, apparel, and equipment for numerous professional soccer teams, including the Hamburg Football Club, Newcastle United Football Club, A.C. Milan, Olympique de Marseille, and Chelsea Football Club. Notwithstanding our client's rights, it has come to our attention that your company has been offering for sale and selling apparel bearing confusingly similar imitations of the Three-Stripe Mark in the same manner as adidas apparel

US1900 9244798.1

EXHIBIT 13
PAGE 78

Mr. Rolando Villagran
 September 3, 2009
 Page 2

and that are imitations of the authentic apparel supplied by adidas. Examples of this apparel (and the authentic adidas apparel) are depicted below and on the top of the following page:

<u>Authentic adidas Apparel</u>	<u>Villagran Sports Apparel</u>
	
	

Mr. Rolando Villagran
September 3, 2009
Page 3

Authentic adidas Apparel	Villagran Sports Apparel
 A black short-sleeved soccer jersey with the Adidas logo on the upper left chest, a small circular crest on the upper right chest, and the 'bwin' logo in large white letters across the center.	 A black short-sleeved soccer jersey with the 'WWI' logo in large white letters across the center.
 A black short-sleeved soccer jersey with the Adidas logo on the upper left chest and the 'nsuf' logo in large white letters across the center.	 A black short-sleeved soccer jersey with a large, faint, illegible logo across the center.
 A black short-sleeved soccer jersey with the Adidas logo on the upper left chest, a circular crest on the upper right chest, and the 'SAMSUNG' logo in large white letters across the center.	 A black short-sleeved soccer jersey with a large, faint, illegible logo across the center.

Mr. Rolando Villagran
September 3, 2009
Page 4

Sale of this apparel is likely to cause consumers to believe mistakenly that your products are licensed by, affiliated with, or sponsored by adidas. Your use of confusingly similar imitations of the Three-Stripe Mark constitutes trademark infringement, and unfair competition under federal and state law. As your attorneys will confirm, in addition to injunctive relief, the federal Trademark Act provides that, in cases such as this, the owner of a federal registration may recover actual damages and an accounting of profits (both of which may be trebled), and attorneys' fees. Similar remedies are available under various state laws, as are punitive damages.

adidas therefore demands that Villagran Sports: (1) immediately cease and desist from all sales of its infringing apparel, as well as any other apparel bearing designs in a manner likely to be confused with the Three-Stripe Mark; and (2) identify the number of units sold and the price at which each such unit of infringing apparel was sold.

If we do not receive a satisfactory response within ten (10) days of your receipt of this letter, we will take appropriate action to protect the rights of adidas.

We look forward to your prompt response.

Sincerely,

Sara M. Vanderhoff
Sara M. Vanderhoff

cc: R. Charles Henn Jr., Esq.

 **KILPATRICK
STOCKTON LLP**
Attorneys at Law

Suite 2800 1100 Peachtree St.
Atlanta GA 30309-4528
t 404 815 6500 f 404 815 6555
www.KilpatrickStockton.com

October 9, 2009

direct dial 404 685 6700
direct fax 404 685 6649
svanderhoff@kilpatrickstockton.com

Via Overnight Mail

Mr. Rolando Villagran
Villagran Sports / A1 Soccer Planet
330 Wall Street, Suite 7
Los Angeles, California 90013

Re: Infringement of adidas's Intellectual Property Rights

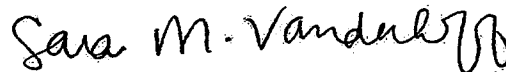
Dear Mr. Villagran:

We have not heard back from you in response to our September 2, 2009 letter concerning infringing apparel offered for sale and sold by Villagran Sports doing business as A1 Soccer Planet ("Villagran"). For ease of reference, I enclose a copy of the September 2 letter.

adidas renews its demands that your company: (1) immediately cease and desist from all sales of its infringing apparel, as well as any other apparel bearing stripes in a manner likely to be confused with the Three-Stripe Mark; and (2) identify the number of units sold and the price at which each such unit of infringing apparel was sold.

If we do not hear back from you within ten (10) days, adidas will have no choice but to pursue its remedies in a more formal and public manner.

Sincerely,



Sara M. Vanderhoff

SMV/feg
Enclosure

US1900 9262051.1

ATLANTA AUGUSTA CHARLOTTE DUBAI NEW YORK RALEIGH STOCKHOLM WASHINGTON WINSTON-SALEM

EXHIBIT 13
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Gary A. Feess and the assigned discovery Magistrate Judge is Paul L. Abrams.

The case number on all documents filed with the Court should read as follows:

CV09- 90059 GAF (PLAx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

KEATS, MCFARLAND & WILSON LLP
 9720 Wilshire Boulevard, Penthouse Suite
 Beverly Hills, California 90212
 Telephone: (310) 248-3830
 Facsimile: (310) 860-0363

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

ADIDAS AMERICA, INC., and ADIDAS AG

PLAINTIFF(S),

v.

VILLAGRAN SPORTS, A1 SOCCER PLANET,
 and ROLANDO VILLAGRAN, individually and
 d/b/a/ VILLAGRAN SPORTS and A1 SOCCER
 PLANET,

DEFENDANT(S).

CASE NUMBER

CV09-9059 GAF (PLA_x)

SUMMONS

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiffs' attorney Dennis L. Wilson, whose address is:

KEATS MCFARLAND & WILSON LLP
 9720 Wilshire Boulevard, Penthouse Suite
 Beverly Hills, California 90212
 Telephone: (310) 248-3830
 Facsimile: (310) 860-0363

an answer to the ☒ **complaint** ☐ **amended complaint** ☐ **counterclaim** ☐ **cross-claim** which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Clerk, U. S. District Court

DATE: - 9 DEC 2009

By

Shen Boyis

Deputy Clerk

(Seal of the Court)

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> ADIDAS AMERICA, INC., and ADIDAS AG	DEFENDANTS VILLAGRAN SPORTS, A1 SOCCER PLANET and ROLANDO VILLAGRAN, individually and d/b/a VILLAGRAN SPORTS and A1 SOCCER PLANET
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) KEATS McFARLAND & WILSON LLP 9270 Wilshire Boulevard, Penthouse Suite Beverly Hills, California 90212; Tel: (310) 248-3830	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 See Attachment "A"

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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CV09-9059

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	ADIDAS AMERICA, INC. - Oregon ADIDAS AG - Germany

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
VILLAGRAN SPORTS - Los Angeles A1 SOCCER PLANET - Los Angeles ROLANDO VILLAGRAN - Los Angeles	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____

Date

12-9-2009

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

CIVIL COVER SHEET

ATTACHMENT A

1. FEDERAL TRADEMARK INFRINGEMENT (15 U.S.C. § 1114);
2. FEDERAL UNFAIR COMPETITION;
3. FEDERAL TRADEMARK DILUTION (15 U.S.C. § 1125(c));
4. STATE TRADEMARK DILUTION AND INJURY TO BUSINESS REPUTATION;
5. UNFAIR AND DECEPTIVE TRADE PRACTICES; and
6. COMMON LAW TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION